

## PROPOSED AMENDMENT OF FENCE, WALL, YARD, SETBACK, AND SITE PLAN REGULATIONS

Underlining denotes addition; strikethrough denotes deletion to existing Land Development Code requirements.

Source of the existing regulations is Municode's website (recodified Code adopted in Ordinance 2020-04).

Proposed amendment:

- Includes fence and wall revisions that the Planning and Zoning Board had workshopped on four occasions (one in 2014 and three in 2017) but did not follow through to adoption because of higher priorities and departure of City's planner.
  - Following the Board's November 9, 2020, workshop:
    - In the definition of corner lot, clarified that yards other than front yards are side and rear yards.
    - Revised definitions of front, rear, and side yards to consistently use other defined terms in their descriptions.
    - Required that 4-foot high, front-yard fences in residential areas outside the Historic District must be open-design.
    - Specified where 4-foot and 6-foot high fences are allowed on a lot.
    - Because fences and walls can be located in the required open spaces around principal structures, revised related yard (front, rear, and side) and setback (building setback and building setback lines) definitions so that all are in agreement.
- Deletes the site plan regulations in the historic preservation chapter (Sections 109-46 through -51) because they repeat the site plan regulations in the land use chapter (Sections 111-1 through -7), which apply to both nonhistoric and historic properties.
- Incorporates Tree Ordinance requirements for a site plan map showing protected tree locations (Ordinance 2018-07), which inadvertently was deleted by stormwater and fill ordinance (Ordinance 2020-03).

In order to adopt the proposed Code revisions, City Policy No. 002, Comprehensive Plan and Land Development Code Amendment Procedure, requires:

- Two Planning and Zoning Board workshops.
  - November 9, 2020.
  - December 7, 2020.
- One joint City Commission and Planning and Zoning Board workshop.
  - Ask that the Board schedule a joint workshop with the City Commission (January ?, 2021).
- Two readings of the proposed ordinance at regularly-scheduled City Commission meetings (February and March 2021?).

Part II – CODE

SUBPART B – LAND DEVELOPMENT CODE

Chapter 101 - GENERAL AND ADMINISTRATIVE PROVISIONS

ARTICLE I. - IN GENERAL

Sec. 101-8. - Definitions.

~~*Building line* means an imaginary line across the property, defined in each district by the setback requirement on which the front wall of a building may be built. For the purpose of measuring, setbacks shall be determined by measuring from any vertical support of a covered roof section to the nearest point of the lot line.~~

*Building setback* means the minimum horizontal distance between the front, rear or side lines of the lot and the front, rear ~~and/or~~ sides of the building. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining building setback when the interior common lot line is straddled by the principal structure.

~~*Buffer fence* means a solid opaque fence of sufficient height to obstruct view, which is constructed of durable materials appropriate for the intended use and consistent with materials commonly used in surrounding areas or neighborhoods.~~

~~*Fences, hedges, and walls* means dividers between two properties.~~

~~*Hedges. See Fences, hedges and walls.*~~

*Building setback lines* means imaginary lines across the property, defined in each district by the setback requirement on which the front, rear or side walls of a building may be built. For the purpose of measuring, setbacks shall be determined by measuring from any vertical support of a covered roof section to the nearest point of the lot line.

*Fence* - A manmade structure erected for separation, security or privacy purposes through the means of intermittent posts supporting vertical or horizontal members.

*Lot, corner*, means a lot abutting upon two or more streets at their intersection or at a street corner having an interior angle not greater than 135 degrees. (All boundaries abutting streets shall be considered front yards, and all other boundaries shall be considered side and rear yards.)

*Setback* means the distance between the lot line and the building setback line.

*Setback line. See Building setback ~~lines~~.*

*Yard, front*, means a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the ~~street~~ front lot line and the principal building or any projections thereof, other than the projections of uncovered steps, uncovered balconies or uncovered porches.

*Yard, rear*, means a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear ~~property~~ lot line and the rear of the principal building or any projections thereof, other than the projections of uncovered steps, balconies or porches. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard of the principal building.

*Yard, side*, means a yard between the main ~~principal~~ building and the side lot line of the lot extending from the front yard to the rear yard and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

~~Wall. See Fences, hedges and walls.~~ *Wall*- When used in the context of yards, a brick, stone, or masonry structure that surrounds an area or separates one area from another.

PART II – CODE

SUBPART B – LAND DEVELOPMENT CODE

CHAPTER 111 – LAND USE

ARTICLE III - ZONING

DIVISION 4. - SUPPLEMENTARY REGULATIONS

Sec. 111-288. - In general.-

- (a) — ~~\_\_\_~~ Corner lots in residential districts are platted in such a manner as to change the normal yard pattern along either of the intersecting streets, ~~the~~. The required front yard shall be provided across the end of the lot fronting on the street, and a yard measuring not less than 15 feet from the ~~street~~lot line, shall be provided along the full length of the lot on the side toward the intersecting street. No portion of any ~~main~~principal or accessory building shall encroach upon the minimum setbacks of either the front or side yard fronting a street.
- (b) — ~~\_\_\_~~ Visibility at intersections in residential districts. On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such manner as to materially ~~to~~ impede vision between a height of two and one-half (2½) feet (thirty (30) inches) and ten feet (10) feet (one hundred twenty (120) inches) above the centerline grade of the intersecting street in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

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(e) — ~~\_\_\_~~ Fences, walls,

(1) Requirements applying to all zoning districts and ~~hedges~~ the Historic District.

a. Application for approval of any new fence or material alteration of an existing fence must be made in the same manner as for authorization of a building permit with a full description of materials to be used and dimensions and placements clearly stated on the plans.

b. Notwithstanding other ~~provisions~~ sections of this code, fences, walls, and ~~hedges~~ hedges, landscaped berms, and minor structures such as lampposts (standards) and permanent flagpoles may be ~~permitted in any~~ allowed in any district subject to approval and issuance of a building permit.

c. Fences shall be erected on the lot of the applicant and shall not extend into a public right-of-way. Fences may be erected within the required yard, or along the edge of any wall; provided,

however, setback area (i.e., area between the front, side, and rear property lot lines and the front, side, and rear setback lines).

d. A fence may abut but shall not be located on any property line.

e. Fencing shall be constructed so that no fence, wall or hedge along the the finished face is toward the public right-of-way (e.g., street or alley).

(2) All residential districts.

a. Height, location, and design.

1. If there are located utility electrical transformer banks, water towers or other facilities owned or leased by a public utility in residential zones which require the fencing of such for safety precautions, the utilities shall erect fences at least six (6) feet (seventy-two (72) inches) in height around them.

2. No fence or wall in excess of four (4) feet (forty-eight (48) inches) in height shall be allowed in the front yard (for corner lots, the two sides or front edge of any front yard shall be of such type and/or heights as to block vision of the lot paralleling the two streets).

3. As required for safety of traffic over 2½ feet in height in section 11-288(b), front-yard fences on corner lots may not exceed two and one-half (2½) feet (thirty (30) inches) in height within 50 feet of the intersecting streets.

4. A fence extending from the side of a principal structure to the side lot line shall attach to the structure no closer to the front lot line than where the facade (not including any covered front porch, uncovered porch, uncovered steps, and uncovered balconies) is located. These fences shall not exceed four (4) feet (forty-eight (48) inches) in height.

5. Front yard fences and fences extending from the side of a principal structure to the side lot lines shall be open-design (e.g., wood picket, metal picket, or combination of masonry and picket).

6. No fence or wall in excess of six (6) feet (seventy-two (72) inches) in height shall be allowed in side and rear yards. These fences may begin from the rear of the principal structure facade. Open-design and solid fences are allowed.

(3) Historic District.

a. Fences in the Historic District are subject to review by the Architectural Review Board as part of the permitting process.

b. Fences are important elements of the design and character of historic structures and the Historic District. The scale and character of fences, posts and gates must be compatible with the building they are associated with and neighboring structures.

c. Within the Historic District, chain link fences abutting a playground or a court devoted to handball, paddle ball, tennis, basketball or similar sports constitute a permissible use.

d. Traditional historic fencing materials, including wood board pickets, wrought iron, concrete and stone posts, brick, wire (but not chain link) and combinations of these materials, are allowed. New continuous concrete walls and new chain link fences are not allowed. Vinyl is discouraged, but, if a vinyl fence is proposed, it must be shown to be compatible with the building on the property with which it is associated and with other buildings in the Historic District, particularly with historic buildings, squares and places to which it is visually related.

Chapter 111 - LAND USE

ARTICLE I. - IN GENERAL

Sec. 111-6. - Site plan requirements.

(b) Site plans shall contain maps and documents indicating:

(1) *General information.*

- m. Protected trees. A map of sufficient scale to clearly show the locations of lot boundaries; footprints of existing and proposed structures and improvements; species and size (inches diameter breast height) of existing protected trees; and which of these trees are proposed to be removed, relocated, or substantially altered.

SUBPART B – LAND DEVELOPMENT CODE

CHAPTER 109 – HISTORIC PRESERVATION

ARTICLE II. – SITE PLAN REVIEW REGULATIONS

~~Sec. 109-46. Purpose and intent.~~

- ~~(a) The public health, safety and welfare require the harmonious, orderly and progressive development of land within the city. The development of the land is a vital step in the process of community development. Once land has been developed, the correction of defects is costly and difficult. Substantial public responsibility is created by each new development, involving the maintenance of streets and stormwater management systems and the provision of additional public services. As the general health, safety and welfare of the community are thereby affected by the development of land, it is in the direct interest of the public that site development be conceived, designed and developed in accordance with sound land and water management principles.~~
- ~~(b) The purpose and intent of this section is to ensure that new development within the city will not adversely affect the public's natural or financial resources, especially Apalachicola Bay or its tributaries. This section thereby establishes procedures and standards for the preparation, review and approval of plans to construct or reconstruct any structure.~~

~~(LDC, art. VI(VII), § A)~~

~~Sec. 109-47. Applicability.~~

~~The procedures contained in this section shall be used for the approval of the site plan for any development other than the construction of one single family residence on an individual lot; however, if located within the special waterfront district, site plan approval for a single family residence shall be required. The development of multifamily dwellings, commercial structures, industrial structures, parking lots and all special exceptions must be approved through the site plan review process. Also included are projects which involve the alteration or conversion of any existing structure into a multifamily, commercial or industrial structure which involves a change where there is the need for upgrading of the site for parking requirements, fire flow, stormwater management, etc.~~

~~(LDC, art. VI(VII), § B)~~

~~Sec. 109-48. Procedures for site plan approval.~~

- ~~(a) *Pre-application conference.* It is recommended that the applicant meet with the city planner and building official to discuss the proposed development prior to submitting a formal application. The purpose of this conference is to familiarize the applicant with minimum design guidelines and to minimize any potential adverse impacts of the proposed development on the city's natural or financial resources.~~
- ~~(b) *Application procedure.*~~
- ~~(1) An approved site plan is required prior to the issuance of a building permit. It shall be considered unlawful for any person to construct, erect or alter a building or structure or to develop, change or improve land for which a site plan is required except in accordance with an approved site plan. Violations shall be enforced pursuant to section 109-2(f).~~



~~(2) The site plan shall be prepared in accordance with the requirements contained in this section and shall be submitted to the city planner no later than ten days prior to the next planning and zoning board meeting for the plan to appear on the agenda.~~

~~(3) The applicant shall submit four copies of all submittals.~~

~~(c) Review procedure.~~

~~(1) The city planner and building official shall review the site plan to determine whether all required information is included in the application. If any required information is missing, the city planner shall inform the applicant of any information required to complete the application.~~

~~(2) All site plans shall be reviewed by the planning and zoning board. Based upon the information contained in the site plan application, the planning and zoning board shall approve, approve subject to stated conditions or deny the site plan. Any person aggrieved by the decision of the planning and zoning board may, in accordance with section 109-2(g), file a written appeal with the board of adjustment.~~

~~(3) Upon site plan approval and issuance of a building permit, the development shall be built in accordance with the approved site plan and site plan regulations.~~

~~(LDC, art. VI(VII), § C)~~

~~Sec. 109-49. Fees.~~

~~Application fees for site plan review, as adopted from time to time by the city commission, must be paid by the applicant at the time of application.~~

~~(LDC, art. VI(VII), § D)~~

~~Sec. 109-50. Time limit on approval.~~

~~Following approval of the site plan, the applicant shall have one year, unless otherwise specified in the appropriate zoning district regulations, to commence construction on the site. Any site where substantial construction has not begun within one year shall cause the site plan to be reevaluated by the appropriate bodies and any newly adopted standards will be considered.~~

~~(LDC, art. VI(VII), § E)~~

~~Sec. 109-51. Site plan requirements.~~

~~(a) Certification and supervision of plans. Site plans, or any portion thereof involving engineering, shall be certified and prepared by and/or under the direct supervision of a professional engineer, qualified by training and experience in the specific technical field involved and registered or licensed to practice that profession.~~

~~(b) Contents. Site plans shall contain maps and documents indicating:~~

~~(1) General information.~~

~~a. Name of project.~~

~~b. Statement of intended use of site.~~

~~c. Legal description of the property, size of parcel in acres or square feet and the linear dimensions of the property.~~

~~d. Name, address and telephone number of the owner of record.~~

- ~~e. Name, address and telephone number of the applicant and firm which he represents.~~
  - ~~f. Name, address, signature and registration of the professionals preparing the plan.~~
  - ~~g. Date, north arrow and scale, number of sheets; the scale (not smaller than one inch to 50 feet shall be designated and, where appropriate, the same scale should be used in drawing the site plan rather than varying the scale).~~
  - ~~h. Vicinity map, showing relationship of proposed development to the surrounding streets, wetlands and water bodies shall be at a scale of not less than one inch equals 2,000 feet.~~
  - ~~i. Location and identification of soil characteristics including wettest season high water table elevation, vegetative cover, wetlands, water bodies and the 100 year floodplain, including elevation on the site.~~
  - ~~j. Existing topography at two foot contour intervals for the proposed site, except where determined to be unnecessary by the city planner.~~
  - ~~k. Finish grading elevation.~~
  - ~~l. All existing and proposed building restriction lines (i.e., highway setback lines, easements, covenants, rights-of-way, the building setback lines, if different than those specified by the zoning regulation). In addition, state any commitments such as contributions to offset public facilities impacts.~~
- ~~(2) Building and structures.~~
- ~~a. Intended use.~~
  - ~~b. Number of stories.~~
  - ~~c. Height of building.~~
  - ~~d. Number of dwelling units and density for multifamily site plans.~~
  - ~~e. Projected number of employees.~~
  - ~~f. If restaurant, show number of seats and occupancy load.~~
  - ~~g. Square footage for proposed development, gross square footage, nonstorage area, square footage of each story, gross square footage of sales area, etc.~~
- ~~(3) Streets, sidewalks, driveways, parking areas and loading spaces.~~
- ~~a. If available, engineering plans and specifications for street, sidewalks and driveways. This information will be required prior to the issuance of a building permit.~~
  - ~~b. All parking spaces designated.~~
  - ~~c. Number of parking spaces.~~
  - ~~d. Number and location of handicapped spaces.~~
  - ~~e. Number and designation of loading spaces.~~
  - ~~f. Number of square feet of paved parking and driveway area.~~
  - ~~g. Surface materials of driveways.~~
  - ~~h. Cross section of proposed street improvements.~~
  - ~~i. Fire lanes.~~
  - ~~j. Location of proposed driveway and median cut.~~
  - ~~k. Internal traffic circulation plan, including directional arrows and signs to direct traffic flow.~~
  - ~~l. Location of traffic control signs and signalization devices.~~
  - ~~m. Designate location of sidewalks.~~

- ~~n. Coordinate walkways, driveways, etc., with facilities in adjacent developments.~~
  - ~~e. All proposed streets and alleys.~~
  - ~~p. The extension or construction of service roads and access thereto on site must be shown where applicable.~~
  - ~~(4) Existing improvements (on site, adjacent to site, and across or opposite any public right of way).~~
    - ~~a. Driveways and median cuts.~~
    - ~~b. Sidewalks, streets, alleys, and easements (note widths and type).~~
    - ~~c. Stormwater management systems to include natural and structural (size and materials, invert elevation).~~
    - ~~d. Size and location of nearest water mains, valves, and fire hydrants.~~
    - ~~e. Sanitary sewer systems (size, invert elevations, etc., to be included).~~
    - ~~f. Gas, power and telephone lines where applicable.~~
  - ~~(5) Proposed water and sewer facilities.~~
    - ~~a. Water. Size, material and location of water mains, plus valves and fire hydrants. Engineering plans and specifications will be required prior to the issuance of a building permit.~~
    - ~~b. Sanitary sewer system. Size, material and location of lines. Engineering plans and specifications with submittal of a profile, where required, will be required prior to the issuance of a building permit.~~
  - ~~(6) Solid waste. Locations and access provisions for refuse service, including pad screening, fencing and landscaping.~~
  - ~~(7) Dredge and fill. If any dredging or filling is intended in the development, a copy of the dredge and fill permit issued by the state department of environmental regulation shall be required prior to the issuance of a building permit.~~
  - ~~(8) Stormwater management. A copy of the stormwater permit pursuant to F.A.C. ch. 17 25, issued by the state department of environmental regulation, shall be required prior to the issuance of a building permit. For those developments exempt from a stormwater permit pursuant to F.A.C. ch. 17 25, a stormwater management system shall be required of all development within the special waterfront district.~~
  - ~~(9) General conditions which may be attached. In reviewing the proposed site plan, the city planner, building official, planning and zoning board, and/or board of adjustment may condition approval on specified changes in the proposal. Where conditions are attached, approval will be withheld except upon written agreement by the applicant to conform to such conditions. In particular, where the site plan indicates potential adverse effects on neighboring property, rearrangement of the plan, increased yard width, hedges or walls may be required.~~
- ~~{LDC, art. VI(VII), § F}~~