

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** March 3, 2009

**SUBJECT:** Land Development Code Amendments: Chapter 2,  
Article III, Section 2-50, Accessory Uses

**APPLICANT:** Administrative

**NUMBER:** LDC 09-03

**PROJECT PLANNER:** Ormond Beach Planning Department

### **INTRODUCTION:**

This is a request to amend Chapter 2, Article III, Section 2-50, Accessory Uses, to modify the existing fence and walls, the sheds requirement and to add certain uses such as composting, temporary structures and temporary sales offices.

### **BACKGROUND:**

Planning Department Staff is reviewing the Land Development Code and providing updates where necessary in order improve the application of development regulations.

### **ANALYSIS:**

The proposed amendments are included in Exhibit "A" attached to this staff report. The following changes were made as part of the amendments:

#### **1. Clarify the fences and walls requirements.**

The proposed fence amendment has been prepared for the Planning Board's consideration due to concern regarding the current code's inconsistencies that apply to fences. More specifically, no clear direction is given in regard to placement of fencing in drainage easements, or establishing a rule whereby the clear-sight triangle and the term "opacity" is determined.

#### **2. Clarify the number of accessory structures and location permitted on one lot.**

Planning staff has been made aware that some properties currently contain multiple utility structures/sheds up to 150 square feet. To address concerns that multiple utility structures/sheds can detract from the character of single-family residences, an amendment limiting utility structures/sheds to one per property that has less than 10,000 square is proposed. In addition, the previous code required an established rear setback based upon the size of the structure. This

proposed revision eliminates that requirement and establishes a standard rear setback for utility structures/sheds while also identifying a height restriction.

### **3. Permit composting and solar energy systems.**

Planning Staff is in the process of creating regulations for sustainable development.

Composting, one part of the package, is a biological process in which microorganisms convert organic matter into a stabilized material that can be safely stored, handled and applied to the environment. In other words, composting is a method for treating solid waste that is inappropriate in raw form for use on land or around living organisms.

According to the Department of Environmental Protection, compost has been shown to suppress plant diseases and pests, reduce or eliminate the need for chemical fertilizers, promote higher agricultural yields, absorb odors and treat semivolatile and volatile organic compounds (VOCs)<sup>1</sup> and polycyclic aromatic hydrocarbons (PAHs)<sup>2</sup>. It has also been shown to bind heavy metals and prevent them from migrating to water resources or being absorbed by plants. The compost process degrades and, in some cases, completely eliminates wood preservatives, pesticides, and both chlorinated and nonchlorinated hydrocarbons in contaminated soils. By composting organic materials, not only is there a diversion of materials from landfills, but there is also the avoidance of methane production and lechate.

Solar energy, another part of the package, is a process whereby radiant light and heat from the sun is harnessed and, through the use of conversion equipment, is converted into electricity.

The uses of solar energy systems include those related to architecture and urban planning, agriculture and horticulture, lighting, water heating, other heating, cooling, and ventilation, water treatment, cooking, process heat, and electrical generation.

Solar energy can be classified as passive or active. Passive space heating does not require mechanical equipment and is accomplished when air is circulated past a solar heat surface and throughout the building by convection<sup>3</sup>. Active heating requires a collector to absorb and translate the solar radiation absorbed into electricity.

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<sup>1</sup> VOCs are organic chemical compounds that have high enough vapor pressures under normal conditions to significantly vaporize and enter the atmosphere.

<sup>2</sup> PAHs, as a pollutant, are formed during the incomplete burning of coal, oil and gas, garbage, or other organic substances.

<sup>3</sup> Convection refers to the process whereby less dense warm air rises while more dense cooler air moves downward.

**4. Move temporary structures from the conditional and special exception uses Article to the Accessory Uses Section.**

Temporary structures are currently listed in Chapter II, Article IV, Conditional and Special Exception Regulations, of the Land Development Code. A temporary structure is not a type of zoning district use and is not listed in any zoning districts. Temporary structures are utilized as an accessory use and staff is proposing to re-locate the existing language (no text changes proposed) to the accessory use section of the LDC.

**5. Move temporary sales office from the conditional and special exception uses Article to the Accessory Uses Section.**

Temporary sales offices are currently listed in Chapter II, Article IV, Conditional and Special Exception Regulations, of the Land Development Code. A temporary structure is not a type of zoning district use and is not listed in any zoning districts. Temporary sales offices are utilized as an accessory use and staff is proposing to re-locate the existing language (no text changes proposed) to the accessory use section of the LDC.

**CONCLUSION:**

There are certain criteria that must be evaluated before adoption of an amendment according to the Land Development Code (LDC), the Planning Board must consider the following criteria when making their recommendation.

**1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The proposed Land Development Code amendments will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. The purpose of the amendments is to better improve the application of the City's accessory uses.

**2. The proposed development is consistent with the Comprehensive Plan.**

The proposed Land Development Code amendments are consistent with the Comprehensive Plan. Objective 2.1 of the Future Land Use Element of the Comprehensive Plan discussed the need to update Land Development Code regulations.

**3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

The proposed Land Development Code amendment will not have adverse impact on environmentally sensitive lands.

- 4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

The proposed Land Development Code amendments will have no adverse effect on surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare or visual impacts on adjoining properties.

- 5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

The proposed Land Development Code amendments are not applicable to public facilities.

- 6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

There is no development proposed for this amendment. The application pertains to a Land Development Code change.

- 7. The proposed development is functional in the use of space and aesthetically acceptable.**

There is no development proposed for this amendment. The application pertains to a Land Development Code change.

- 8. The proposed development provides for the safety of occupants and visitors.**

There is no development proposed for this amendment. The application pertains to a Land Development Code change.

- 9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.**

There is no development proposed for this amendment. The application pertains to a Land Development Code change.

- 10. The testimony provided at public hearings.**

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

**RECOMMENDATION:**

It is recommended that the Planning Board **APPROVE** the amendments as shown in Exhibit “A” to amend Chapter 2, Article III, Section 2-50, Accessory Uses, to modify the existing fence and walls, the sheds requirement and to add certain uses such as composting, temporary structures and temporary sales offices.

# EXHIBIT “A”

## ACCESSORY USE AMENDMENTS

## **SECTION 2-50: ACCESSORY USES**

- A. **General.** No Changes.
- B. **Accessory Dwelling Units.** No Changes.
- C. **Amateur Radio Antennas.** No Changes.
- D. **Boats and Watercraft.** No Changes.
- E. **Docks, Boathouses and Boat Lifts.** No Changes.
- F. **Carports.** No Changes.
- G. **Commercial Vehicle Storage/Parking.** No Changes.
- H. **Composting.** Composting is permitted on any residential property under the following conditions, in addition to all applicable local, state or federal laws, rules and regulations:
1. Composting shall take place in a compost bin or compost pile.
  2. Compost bins shall be permitted on any residential lot. Composting piles shall be permitted on residential lots exceeding one acre in size.
  3. Compost bins shall be plastic, vinyl, or steel, commercially prefabricated and of enclosed, rolling or tumbler type. Wood bins are prohibited. Multiple-bin systems are permitted.
  4. Compost piles shall be contained within a wire-mesh holding unit made of galvanized chicken wire.
  5. Compost sites shall be located in the rear-yard, at least 7 feet from any property line, 50 feet from any water body or area designated as floodplain or wetland, and 75 feet from any well. Compost sites are not permitted in any drainage or utility easement.
  6. The composting site shall be located or designed and constructed to prevent the composting material and/or composting bin/pile from sitting in ponded surface water.
  7. All generated compost is for use on-site.
  8. The presence of insects, rodents, birds, and other vectors or pests shall be controlled through specific measures, including grinding of ingredients and by providing screens or netting.
  9. In no event shall any composting activities be conducted in a manner which creates an odor, litter, dust, noise, or other nuisance in violation of the City's Code of Ordinances.
  10. Guidance provided by the Planning Department, as amended from time to time, shall determine which items may and may not be placed in composting bins or piles.
- HI. Construction Trailers/Offices.** No changes.
- IJ. Customer-End Communication Antennas.** No Changes.
- JK. Donation Bins.** No Changes.
- KL. Dumpster Pads** No Changes.
- LM. Farm Ponds.** No Changes.

## **MN. Fences and Walls**

Fences and walls are intended to provide privacy, screening, separation, security, enclosure, erosion control, or to serve other necessary and reasonable functions.

### **1. Building Permit Required**

- a. All fences shall require a permit prior to installation or erection. It shall be unlawful for any person to erect, alter or locate a fence within the City without first having made application for and having been issued a permit. A building permit is required for fence replacement or any repair of existing fences exceeding 50 percent of more of the linear frontage. An application for a fence permit shall include a full site plan showing:
  - (1) All structures on the site;
  - (2) All easements, right-of-way, and dedications;
  - (3) Location of the fence in relationship to the property boundary lines and all building and structures on the lot;
  - (4) Height and material of the fence;
  - (5) Scaled drawing of a fence section, if the fence must comply with openness requirements; \_\_\_\_\_
  - (6) Any other information requested by the City Manager or designee which is necessary to make a compliance determination.

### **2. General**

- a. Other than for retaining walls deemed necessary by the City Engineer, all height, location, and design restrictions are addressed pursuant to this code. \_\_\_\_\_
- b. No fence or wall shall be erected, altered, or located in any way that violates the clear-sight triangle.<sup>1</sup>
- c. Fences and walls are not permitted in the conservation easement.
- d. Fences and walls may be permitted in the drainage easement provided approval is granted by the Engineering and Utilities Division of the City of Ormond Beach.
- e. Fences and walls may be placed within the utility easement provided such fencing can be removed, if necessary, by the requesting utility agency and shall conform to the provisions in this code. Replacing the fence shall be the property owner's responsibility and shall also conform to the provisions in this code.
- f. No fence or wall shall be any closer than 3 feet to any right-of-way line.

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<sup>1</sup> See definition and Illustration 1 at the end of this Article.



**3. Permitted Fence and Wall Heights**

<u>Fence Type</u>	<u>Front Yard</u>	<u>SideCorner Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Waterfront</u>	<u>Through Lot</u>
<u>Solid (wood, PVC, masonry)</u>	<u>3'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>3'</u>	<u>6'</u>
<u>Open<sup>2</sup> (picket, wrought iron style, rail)</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>
<u>Chain-link</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>6' not to extend beyond principal structure</u>	<u>6'</u>	<u>4' green or black vinyl coated only</u>	<u>Not permitted</u>

**4. Chain Link Fences**

- a. Development on non-residential and multi-family property adjacent to FDOT or Volusia County retention ponds shall be required to replace any chain-link fencing around said ponds with decorative fencing, subject to the approval of those jurisdictions.
- b. Chain link fences are permitted in the I-1 zoning district, recreational facilities, vacant and undeveloped lots, public utilities/facilities, and telecommunications tower sites, and shall be no higher than 10 feet. Chain link is prohibited in the front and side corner yards.
- c. No chain link fence shall be located on an arterial or collector roadway.
- d. Chain link fencing is prohibited in the front and side corner yards in single-family zoning districts. Chain link fencing is allowed in the side yard, not extending beyond the principal structure and the rear yard.

**5. Commercial/Multifamily Fence and Wall Height Exceptions.**

- a. Masonry walls may be located no closer than 7 feet to the property line at the side corner setback. The area between the wall and the property line shall be adequately landscaped.
- b. Within the B-5 (Service Commercial) and the I-1 (Industrial) Zoning Districts, masonry walls or pre-cast walls with columns are permitted to be 6 feet in height within the front yard setback to allow site screening.

**6. Vacant & Undeveloped Lots**

- a. Parcels not located on arterial or collector roadways may be permitted to fence the perimeter of a lot for security purposes with a green or black vinyl coated chain link fence, having a maximum height of 6 feet.
- b. For parcels located on arterial or collector roadways, fencing that is not chain link will be permitted to 6 feet.

<sup>2</sup> *Open style fencing must be a minimum of 50% opacity.*

## **7. Construction Fencing**

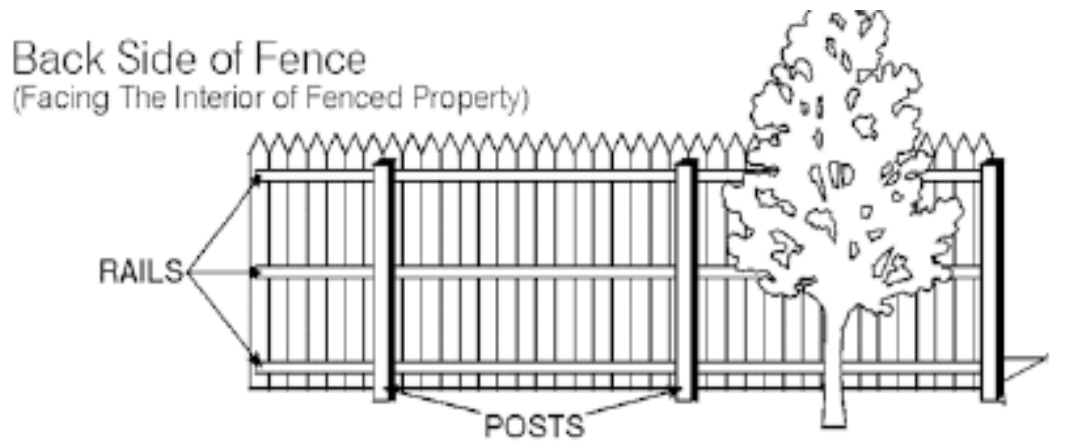
- a. Temporary security fencing, not to exceed 6 feet in height, is permitted for non-residential construction sites. Such fencing may be chain link and shall be approved in conjunction with the building permit(s) for the subject property. All construction fencing shall be removed prior to the Certificate of Completion/Occupancy for the project.

## **8. Wall Columns.**

- a. Wall columns shall have a maximum spacing of 30 feet on walls less than 200 feet in length and 40 feet on walls more than 200 feet in length.
- b. Wall columns may extend up to 12 inches above the height of the wall or 18 inches above the height of a wall framing a sign.
- c. Light fixtures may extend up to 42 inches above the height of the wall.

## **9. Orientation**

- a. All fencing and walls shall be erected with the finished side facing the adjacent lot. The face of any fence or wall visible to the public shall also be finished.



## **10. Materials**

- a. All walls, including retaining walls, shall have a finished surface such as stucco or brick, similar to the principal building.
- b. Broken glass, steel spikes, and other sharp objects intended to restrict access shall not be permitted along the top edge of a fence or wall, except that barbed wire and wrought iron shall be permitted.
- c. Fences or walls topped with barbed wire shall be permitted only in the I-1 Zoning District or in conjunction with an industrial or warehouse use in the B-5 Zoning District. The barbed wire shall be angled in toward the site. "V shaped" barbed wire can be used for public utility buildings.
- d. Wall construction, including but not limited to pre-cast walls, in close proximity to existing trees must not result in damage to the root system as determined by the City's Landscape Architect.

**11. Entrance Gates**

- a. Access shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of 13 feet-6 inches. Minimum width may be reduced to meet special access with the approval of the fire official.
- b. Entrance gates for non-residential uses shall not exceed a height of 10 feet except when approved by the City based on drawings which demonstrate that additional height is required to achieve specific design objective.
- c. Entrance gates for single-family residences shall be permitted to a height of 4 feet. An entrance gate for a single-family residence may exceed 4 feet, up to a maximum height of 10 feet, provided that the property on which the residence is constructed has a minimum area of one acre and a minimum width of 150 feet.

**12. Entrance Walls**

- a. Entrance walls shall be permitted as a landscaped feature of any development, including subdivisions, planned office parks, mobile home communities, or apartment complexes. Such walls shall not exceed a height of 6 feet.
- b. Entrance walls and landscaping shall be located within a 10 feet-wide easement or common area. Maintenance responsibility by the HOA is to be clearly established in the HOA documents.

**13. Buffer walls required**

- a. In order to promote privacy and reduce noise, glare, and visual impacts when non-residential uses abuts a residential uses, a minimum 6 feet high wall with decorative columns shall be constructed along the property line of any side or rear yard buffer under the following conditions:

	<u>ABUTTING R-1, R-2, R-2.5, R-3, SR, REA, or RR, T-1, T-2 or EXISTING CONFORMING SINGLE-FAMILY DWELLING in any DISTRICT</u>		<u>ABUTTING R-4, R-5, R-6, R-7 or EXISTING CONFORMING MULTI-FAMILY USE in any DISTRICT EXCEPT B-4</u>
<u>TYPE OF USE</u>	<u>SIDE YARD</u>	<u>REAR YARD</u>	<u>REAR YARD</u>
<u>Commercial</u>	<u>SPRC</u>	<u>Masonry</u>	<u>Masonry</u>
<u>Public/Institute</u>	<u>SPRC</u>	<u>SPRC</u>	<u>SPRC</u>
<u>Multi-Family</u>	<u>SPRC</u>	<u>SPRC</u>	<u>SPRC</u>
<u>Industrial</u>	<u>Masonry</u>	<u>Masonry</u>	<u>Masonry</u>

- b. For the purpose of meeting these requirements, the rear yard wall requirement shall be applied to the rear yard of the impacting development and to any other yard that abuts the rear yard of the site being impacted.
- c. Where noted as SPRC, the requirement for a wall may be waived by the Site Plan Review Committee or a wooden fence may be allowed in lieu of a wall where there are large areas of natural vegetation to remain or other distinct topographical features such as waterways, wetlands, stormwater retention areas, bridges, highways, or sharp changes in elevation which would make construction of walls difficult and not necessary for the

reduction of noise or increased privacy. In all other situations, wall requirements may be waived through the Special Exception process based on the same findings as noted above.

- d. The height of a required buffer wall shall be at least 4 feet above the highest elevation of the impacting site, provided that in no case shall the top of the wall be higher than 6 feet above its base. The base of the wall shall be filled as necessary, with side slopes not to exceed four to one (4:1). The use of fill on the abutting property side of the wall shall be allowed only with the approval of the abutting property owner.

#### **14. Double Frontage Walls**

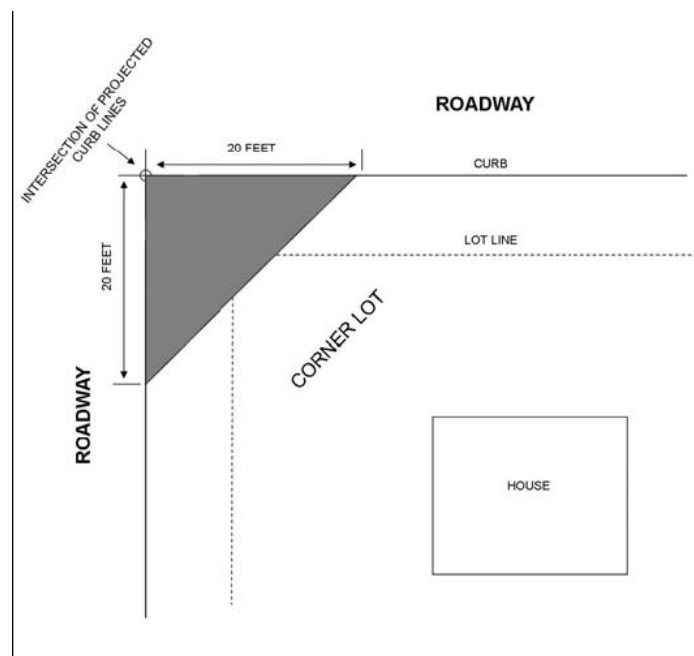
- a. Privacy walls shall be constructed in conjunction with subdivision plats along the rear of double frontage lots. Based on anticipated traffic volumes and type of traffic, a combination of plant materials, wrought iron features, and/or brick and masonry walls may be used, subject to approval by the SPRC.

#### **15. Maintenance**

- a. All fences and walls shall be maintained in good repair and free of any graffiti.
- b. All fences and walls shall be maintained in their original upright condition.
- c. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

#### **16. Clear Sight Triangle**

- a. A triangular area of clear vision as shown on Illustration 1 shall serve as the minimum standard for the clear sight triangle in order to provide a clear view from private access drives (such as from a residence, an apartment complex, shopping center, etc.) The City Engineer reserves the right to adjust the legs of a particular sight triangle to assure the safety of the general public.



**Illustration 1**

- b. For all other intersecting rights-of-way and connections to public roadways, sight distance requirements shall adhere to FDOT Roadway and Traffic Design Standards, Index Number 546 (Sight Distance at Intersections). Deviations from this standard may be made on a case by case basis, as approved by the City Engineer.
- c. No structures, fencing, berms, or shrubs taller than 3 feet and no trees with branches lower than 10 feet above grade shall be permitted in the area and is to remain free and clear of obstructions. This prohibition is also applicable to the location of vehicle parking spaces and signs. Generally, to avoid obstructing the sight triangle, signs and other possible obstructions should be placed a minimum of 20 feet away from the front edge of curb.

## Fences and Walls

Fences and walls are intended to promote privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions:

- 1. ~~**Height and Location.** Other than for retaining walls deemed necessary by the City Engineer, the following height, location and design restrictions shall apply to walls and fences:~~

- a. ~~**Front Yard.** No fence or wall that constitutes any material obstruction to a visibility of three feet (3') or more above the ground level, such as a masonry wall or wood fence, shall be permitted in any required principal building front yard setback, except as follows:~~

- (1) ~~Chain link fences are prohibited from being located in front of the single family house structure in residential zoning districts.~~
- (2) ~~Wrought iron fences are permitted to a height of six feet (6') in all zoning districts.~~
- (3) ~~For commercially and industrially zoned districts, no chain link fence is permitted in the front yard setback.~~
- (4) ~~Within the B-5 (Service Commercial) and I-1 (Industrial) zoning districts, masonry walls or pre-cast walls with columns, are permitted to be six feet (6') in height to allow site screening provided that there are no site visibility impairments of the proposed wall as determined by the Planning Department.~~
- (5) ~~Entrance gates for single family residences shall be allowed subject to compliance with LDC §3-07.B.4.b.~~

- b. ~~**Side Corner Yard**~~

- (1) ~~Residential~~

- (a) ~~Wood, masonry or chain link fences within the principal building setback for the side corner yard in any single family residential district (R-1, R-2, R-2.5, R-3, SR, REA) shall not exceed a height of four feet (4') in height.~~
- (b) ~~Fences and walls are permitted to a height of six feet (6') in the side corner yard, provided that they do not hinder site visibility to either street and are located at least sixty feet (60') from the front property line.~~

- ~~(c) Wrought iron fences are permitted to a height of six feet (6').~~
- ~~(d) Entrance gates for single family residences shall be allowed, subject to compliance with LDC §3-07.B.4.b.~~
- ~~(e) Chain link fences are prohibited in the side corner yard in single family zoning districts.~~

~~(2) Commercial/Multifamily~~

- ~~(a) Fences and walls in any side corner yard in any district other than the residential districts listed above shall not exceed a height of six feet (6') and shall comply with the following requirements:
 
  - ~~i Masonry walls shall be located no closer than seven feet (7') to the property line. The area between the wall and the property line shall be adequately landscaped.~~
  - ~~ii Chain link fencing shall be located no closer than ten feet (10') to the property line. The area between the fence and property line shall be landscaped to achieve an opacity of seventy five percent (75%) within three (3) years from the time of planting. Chain link fencing is not permitted along arterial or collector roadways as classified in the City's Comprehensive Plan.~~
  - ~~iii A wrought iron fence may be located at the property line, with the required landscape buffer located inside of the fence.~~
  - ~~iv All fences on corner lots shall conform to the vision clearance requirements provided under Chapter 3, Article III.~~~~

~~c. **Side Interior or Rear Yard.** Unless included in a Development Order issued by the City Commission or a variance granted by the Board of Adjustment and Appeals, no fence or wall in side interior or rear yards (other than wall columns) shall exceed a height of six feet (6') above natural grade. Chain link fences in single family home zoning districts are not permitted to be located in the side yard unless they are located adjacent to or behind the single family house structure. Fences and walls may be located on the property line, but if utility easements exist in those areas, such structures may be removed, if necessary, by the requesting utility agency. Replacement of structure will be the property owner's responsibility.~~

~~d. **Waterfront Yards.** No fence or wall that constitutes any material obstruction, such as a masonry wall or wood fence above three feet (3') above the ground level shall be permitted in any required principal building waterfront yard setback, except as follows:~~

- ~~(1) Chain link fences are permitted to a height of four feet (4'). Chain link fences within required waterfront yards shall be green or black vinyl coated.~~
- ~~(2) Wrought iron fences are permitted to a height of six feet (6') in single family residential districts.~~

~~e. **Through Lots.** Rear yard fences or walls that are bounded by two street rights of way may exceed a height of six feet (6') above natural grade (other than wall columns). Fences and walls may be located on the property line, but if utility easements exist in those areas, such structures may be removed, if necessary, by the~~

~~requesting utility agency. Replacement of structure will be the property owner's responsibility.~~

- ~~f. **The I-1, Light Industrial Zoning District, Tennis Courts, and all Public Utilities, Public Facilities, and Telecommunications Tower Sites.** Unless included in a Development Order issued by the City Commission or a variance granted by the Board of Adjustment and Appeals, no chain-link fence shall be higher than ten feet (10') in the aforementioned areas. All chain-link fences shall be located at least ten feet (10') from the property line or the lease line, as applicable. The area between the fence and the property line or lease line, as applicable, when visible from a public street, private street, or adjacent property, shall be landscaped to achieve an opacity of seventy five percent (75%) within three (3) years from the time of planting.~~
- ~~g. **Vacant or Undeveloped Lots.** Property owners shall be allowed to fence the perimeter of a lot for security purposes with a vinyl coated chain link fence, having a maximum height of six feet (6').~~
- ~~h. **Non-Residential Construction Sites.** Temporary security fencing, not to exceed six (6') in height, is permitted for non-residential construction sites. Such fencing shall be approved in conjunction with the building permit(s) for the subject property and shall be removed prior to the Certificate of Completion of Occupancy for the project. When a parcel abuts two public rights of way, a site visibility triangle must be preserved, as approved by the Chief Building Official.~~

## ~~2. Design Standards~~

- ~~a. **Wall Columns.** Wall columns shall have a maximum spacing of the thirty feet (30') on walls less than two hundred feet (200') in length and forty feet (40') on walls more than two hundred feet (200') in length. Wall columns may extend up to twelve inches (12") above the height of the wall or eighteen inches (18") above the height of a wall framing an identification sign. For purposes of this Section, "column" shall be deemed to include any statue, figurine, or similar item affixed to the top of the wall, except that light fixtures may extend up to forty two inches (42") above the height of the wall. For purposes of this paragraph, the term "wall" shall be deemed to include "wrought iron fence" and "entrance gate".~~
- ~~b. **Orientation.** All fencing and walls shall be erected with the finished side facing the adjacent lot. The face of any fence or wall visible to the public shall also be finished.~~

### ~~e. Materials~~

- ~~(1) All walls shall be of brick, Norwegian brick or jumbo brick, except that finished masonry walls or wrought iron fence in combination with brick, jumbo brick or finished masonry columns may be allowed where it is deemed by the Site Plan Review Committee to be more compatible with the architecture of surrounding uses. Finished masonry walls shall have a tile, brick or decorative trim at or near the top of the wall.~~
- ~~(2) Broken glass, steel spikes and other sharp objects intended to restrict access shall not be permitted along the top edge of a fence or wall, except that barbed wire and wrought iron fences shall be permitted as provided in this Section.~~
- ~~(3) Fences or walls topped with barbed wire shall be permitted only in the I-1 District or in conjunction with an industrial or warehouse use in the B-5 District. The~~

~~barbed wire shall be angled in toward the site. "V shaped" barbed wire can be used for public utility buildings.~~

- ~~(4) Wall construction in close proximity to existing trees shall conform to the requirements of LDC §3-05.C.18. and §2-50.M.E.5.~~

~~d. **Entrance Gates**~~

- ~~(1) Entrance gates for uses other than single family residences shall not exceed a height of ten feet (10'), except when approved by the City Commission based on drawings which demonstrate that additional height is required to achieve specific design objectives.~~
- ~~(2) An entrance gate for a single family residence may exceed a height of four feet (4'), up to a maximum height of ten feet (10'), provided that the property on which the residence is constructed has a minimum area of one (1) acre and a minimum width of one hundred fifty feet (150').~~

*{This space intentionally left blank.}*



~~3. **Buffer Walls Required.** In order to promote privacy and reduce noise, glare, and visual impacts when non-residential uses abut residential uses, a minimum six-foot (6') high wall with decorative columns shall be constructed along the property line of any side or rear yard buffer under the following conditions:~~

	<del>ABUTTING R-1, R-2, R-2.5, R-3, SR, REA, or RR, T-1, T-2 or an EXISTING CONFORMING SINGLE-FAMILY DWELLING in any DISTRICT</del>		<del>ABUTTING R-4, R-5, R-6, R-7 or an EXISTING CONFORMING MULTI-FAMILY USE in any DISTRICT EXCEPT B-4</del>
<del>TYPE OF USE</del>	<del>SIDE YARD</del>	<del>REAR YARD</del>	<del>REAR YARD</del>
Commercial	SPRC	Masonry	Masonry
Public/Institute	SPRC	SPRC	SPRC
Multi-Family	SPRC	SPRC	SPRC
Industrial	Masonry	Masonry	Masonry

- ~~a. For the purpose of meeting these requirements, the rear yard wall requirement shall be applied to the rear yard of the impacting development and to any other yard that abuts the rear yard of the site being impacted.~~
- ~~b. Where noted as SPRC, the requirement for a wall may be waived by the Site Plan Review Committee or a wooden fence may be allowed in lieu of a wall where there are large areas of natural vegetation to remain or other distinct topographical features such as waterways, wetlands, stormwater retention areas, bridges, highways, or sharp changes in elevation which would make construction of walls difficult and not necessary for the reduction of noise or increased privacy. In all other situations, wall requirements may be waived through the Special Exception process based on the same findings as noted above.~~
- ~~c. The height of a required buffer wall shall be at least four feet (4') above the highest elevation of the impacting site, provided that in no case shall the top of the wall be higher than six feet (6') above its base. The base of the wall shall be filled as necessary, with side slopes not to exceed four to one (4:1). The use of fill on the abutting property side of the wall shall be allowed only with the approval of the abutting property owner.~~
- ~~d. The wall footing shall abut the property line, except that it may jog into the buffer area to the maximum extent necessary to protect existing trees.~~
- ~~e. Buffer area landscaping shall be provided in accordance with the requirements of LDC §2-50.M.B.6, unless waived by the SPRC in accordance with the provisions of Paragraph 2, above.~~

- ~~4. **Double Frontage Walls.** Privacy walls shall be constructed in conjunction with subdivision plats along the rear of double frontage lots. Such walls shall have a minimum height of four feet (4') and a maximum height of six feet (6') and shall be constructed in accordance with the standards noted in LDC §3-04.B except, based on anticipated traffic volumes and type of traffic, a combination of plant materials, wrought iron features, and/or brick and masonry walls may be used, subject to the approval of the Site Plan Review Committee.~~
- ~~5. **Entrance Walls.** Entrance walls shall be permitted as a landscaped feature of any development, including subdivisions, planned office parks, mobile home communities or apartment complexes. Such walls shall not exceed a height of six feet (6') and shall be constructed in accordance with the following requirements:
  - ~~a. Entrance walls and landscaping shall be located within a minimum ten-foot (10') wide easement or common area. Maintenance responsibility by the HOA is to be clearly established in the HOA documents.~~
  - ~~b. Wall jogs may be used where possible to avoid existing specimen trees. Buffer width requirements may be waived to the extent necessary to protect the specimen tree.~~
  - ~~c. In a linear wall situation, no more than thirty feet (30') of outer wall face may be left devoid of plantings.~~
  - ~~d. A preliminary plan showing signage, landscaping, irrigation, wall lighting and any other entryway features shall be submitted by a registered landscape architect in conjunction with the preliminary plat. Construction drawings for these features are to be submitted with the final plat.~~
  - ~~e. If walls are closer than ten feet (10') to the base of any tree, the footing may not be continuous and must be spanned at intervals of no less than five feet (5') between support footers. The purpose of this is to avoid cutting major feeder roots contained within the top twelve inches (12") of the root zone. A lintel system in accordance with LDC §3-05.C.20 may be used in order to protect the root zone.~~~~
- ~~6. **Landscaping.** All fences and walls, except for single family and duplex lots, shall be adequately landscaped to maintain visual aesthetics and sufficient screening from adjacent land uses and rights of way, as follows:
  - ~~a. Landscaping shall, at a minimum, meet the requirements of this Code as noted under LDC §3-03, 3-04, and 3-05.~~
  - ~~b. A combination of trees and shrubs shall be planted throughout the length of the structure.~~~~
- ~~7. **Maintenance.** All fences and walls shall be maintained in good repair and free of any graffiti.
  - ~~a. All fences and walls shall be maintained in their original upright condition.~~
  - ~~b. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.~~~~

NO. **Garages.** No Changes.

OP. **Garage Sales** No Changes.

**PQ. Generators.** No Changes.

**QR. Greenhouses.** No Changes.

**RS. Home Occupations.** No Changes.

**ST. Manager's Residence in Commercial and Industrial Districts** No Changes.

**TU. Outdoor Activities.** No Changes.

**UV. Outdoor Storage, Parking, or Use of Personal Property** No Changes.

**VW. Patios/Decks** No Changes.

**WX. Pools.** No Changes.

**XY. Ranger's Residence.** No Changes.

**YZ. Recreational Vehicle/Boat Storage** No Changes.

**ZAA. Screen Porches/Enclosures** No Changes.

**AABB. Sheds, Utility Structures, Playhouses, and Gazebos**

Each of the aforementioned accessory structures shall comply with the use limitations applicable in the zoning district for which it is located and are permitted under the following conditions:

- a. An approved building permit shall be issued prior to the erection of any accessory structure.
- b. The rear setback for a utility structure, shed, playhouse, and gazebo shall be 7½ feet.
- c. For purposes of this Section, any utility structure/shed over 150 square feet shall be considered a garage and must meet the principal building set-backs for the zoning district in which the property is located.
- d. No more than one detached utility structure/shed, plus a playhouse or gazebo shall be permitted on a lot having 10,000 square feet of lot area or less. Multiple utility structures/sheds are permitted in the Rural Residential or the Rural Agricultural zoning district with approval from the Planning Director or designee.
- e. The utility structure/shed shall not exceed 10 feet in height.

~~AA. **Sheds, Utility Structures and Gazebos.** Sheds, utility structures, and gazebos are permitted under the following conditions:~~

- ~~1. **Residential Zoning Districts.** In all residential zoning districts sheds, utility structures and gazebos are permitted under the following conditions:~~
  - ~~a. The maximum size for sheds, utility structures, and gazebos is 150 square feet. Any structure over 150 square feet shall be considered a garage and must meet the requirements of LDC §2-50.G.~~
  - ~~b. Sheds, utility structures, and gazebos are prohibited in front of the principal structure or required side corner yard and must be located in the side or rear yard.~~

e. ~~The rear yard setbacks for sheds, utility structures, and gazebos is as follows:~~

<del>Structure Size</del>	<del>Rear Yard Setback</del>	<del>Structure Size</del>	<del>Rear Yard Setback</del>
<del>100 square feet or less</del>	<del>7½ feet</del>	<del>130 square feet</del>	<del>10½ feet</del>
<del>110 square feet</del>	<del>8½ feet</del>	<del>140 square feet</del>	<del>11½ feet</del>
<del>120 square feet</del>	<del>9½ feet</del>	<del>150 square feet</del>	<del>12½ feet</del>

d. ~~The side yard setbacks for sheds, utility structures and gazebos shall be the same as the principal building setbacks.~~

**BBCC.** ~~Tailwater Recovery System Solar Energy System.~~

1. Solar energy systems are permitted in any zoning district.
2. All systems shall be roof-mounted with orientation to the south or within 45 degrees east or west of due south.
3. All systems shall be finished in a rust-resistant, on-obtrusive finish and color that is non-reflective. The colors used in the construction materials or finished surface shall be muted and visually compatible with the surroundings.
4. All electrical connections or distribution lines shall be underground and comply will all applicable codes and public utility requirements. No system shall be installed until evidence is submitted to the City that the utility company has approved the interconnection pursuant to IEEE-929, UL-1741, and the current edition of the National Electrical Code. Off-grid systems shall be exempt from this requirement.
5. All systems shall be compliant with current editions of OSHA, the Florida Building Code, the National Electrical Code, the National Electric Safety Code, and any other applicable codes required by the Building Official, as well as manufacturer specifications.

**CCDD.** ~~Tailwater Recovery System.~~ No Changes.

**EE.** ~~Tennis Courts.~~ No Changes.

**FF.** ~~Temporary Sales Office.~~ Trailers, or similar structures, used as temporary pre-development sales offices, may be permitted on the proposed development site provided the following minimum requirements are met:

1. The proposed development must receive final approval by the Site Plan Review Committee and the City Commission.
2. Following City Commission approval, the applicant shall submit a \$500 permit fee to the Building Division prior to locating the trailer on the site, or making other associated improvements. If the trailer is removed within the time period specified, \$400 shall be returned to the applicant, or, if construction commences within the time period specified within this ordinance, \$400 shall be credited toward the

building permit. If the temporary trailer is not removed within the time period specified, the fee shall be forfeited.

3. A minimum of 5 off-street parking places shall be provided. Such spaces shall be designed to meet the dimensional and circulation requirements of Chapter 3, Article III, except as specifically waived by the SPRC but can be surfaced with gravel or other similar material. Each space provided must be marked with a wheel stop.
4. The perimeter of the trailer shall be landscaped with plant materials at least 3 feet in height. The perimeter landscaping shall be at least 3 feet in width. The area between the trailer and the parking area shall be mulched or sodded to provide safe access for pedestrians.
5. The SPRC and the City Commission shall review and approve a site plan that includes the required landscaping and parking to serve the temporary trailer.
6. The trailer shall be permitted on the development site for a period not to exceed six (6) months from the date of City Commission approval. The applicant may request one (1) 6-month extension from the City Commission. If construction commences and is continuous within the permitted time period specified in the Development Order, the trailer may remain on the site as a sales office for a period of up to one (1) year from commencement of construction, or until 75 percent of the individual lots or dwellings are sold, or 75 percent of the units are constructed, whichever shall first occur.
7. If a violation of this ordinance is found, the violator may be brought before the Special Master.
8. The applicant shall provide bonding in an amount to be established by the City Engineer for removal of the trailer and site restoration in the event the trailer is not removed in accordance with time period for removal, as specified in the Development Order.
9. The trailer shall be so located as to not interfere with the construction activity or use of the site.

#### **GG. Temporary Structure**

1. The proposed development must receive final review by the Site Plan Review Committee (SPRC) and approval of the City Commission.
2. A temporary structure may be allowed only in association with the issuance of a building permit.
3. The applicant shall provide bonding in an amount to be established by the City Engineer for removal of the temporary structure and site restoration in the event the structure is not removed in accordance with appropriate time period for removal, as specified in the Development Order.
4. The City Commission shall establish time limits for removal in the Development Order.

5. All development review, building permit, and impact and connection fees shall be paid on the same basis as for permanent structures. Impact fees may be credited to the permanent structure.