



TMHConsulting@cfl.rr.com
97 N. Saint Andrews Dr.
Ormond Beach, FL 32174
PH: 386.316.8426

MEMORANDUM

TO: Dairian Burke, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Fence Regulations
DATE: February 6, 2018

At the last Planning Board meeting, the Board was asked to discuss the regulations for chain link fencing. Currently the rules for chain link fencing for residential uses only permit chain link to be used in rear yards where the residential lot abuts a wetland, a lake or a conservation area. (Section 5.01.07 G). We assume the intent of this rule is to allow for fenced views from the residential lot into the adjacent natural area. Otherwise, chain link is prohibited for residential use.

After discussion about the chain link fence rules, the Planning Board did not recommend the Town Council revise the rule to allow chain link in other areas. Where chain link now exists, it is considered a non-conforming structure and is regulated by Section 1.04.01 B and 1.04.01 D. Subsection B allows for the "ordinary and routine maintenance and repair of non-conforming structures". This section would allow existing chain link fence to be maintained as necessary, including replacement of damaged or deteriorated poles, rails, and mesh sections. Subsection D allows replacement of a non-conforming structure that "receives storm damage or other structural damage" valued at less than 50% of the total value, the non-conforming structure can be reconstructed. These provisions provide a route for the maintenance and limited replacement of existing chain link fencing.

While the Planning Board was discussing the chain link fencing issue, they noted that Section 5.01.07 C limits fencing in residential areas to decorative wood or PVC/vinyl fencing. The Board thought that other types of decorative fencing such as wrought iron or decorative aluminum should be allowed as well. The section on decorative walls is also a little confusing as it is not totally clear that the decorative walls would be allowed for individual residential applications. The Planning Board suggested these provisions be amended, and the following section of the land development code is offered with suggested wording.

5.01.07 Fences and Walls

- A. The maximum height of fences and walls shall be as follows, except where otherwise provided in this LDC:
 - 1. Fences in front yards shall be a maximum of 4 feet tall and shall not be opaque. Picket fencing is acceptable.
 - 2. Fences in side yards shall be a maximum of 6 feet tall.
 - 3. Fences in rear yards shall be a maximum of 6 feet tall.
 - 4. Fences and walls required for security purposes in Industrial or Public zoning districts shall be a maximum of 8 feet tall.
 - 5. Fencing or walls used for decorative, privacy, or security purposes around residential or mixed-use subdivisions shall be a maximum of 6 feet tall.
- B. Decorative fences and walls, for individual residential properties or for other applications, shall be designed with offsets, banding, columns or posts with lintels or caps, landscape pockets, and other elements to avoid an expansive monolithic or monotonous appearance. Such elements shall be included every 30 feet or less.
- C. Fences in residential areas shall be made of decorative wood, ~~or~~ PVC/vinyl, decorative aluminum, or wrought iron fences, except as noted in (H) below.
- D. To help ensure proper placement of fences along property lines, property lines shall be established by a survey prepared by a surveyor licensed in Florida.
- E. Fences shall be erected with the finished side facing out. Posts shall be placed along the inside of the fence.
- F. With the exception of the Agricultural and Rural Estates zoning districts, electrified fences are prohibited.
- G. Chain link fencing is allowed in Agricultural, Rural Estates, Industrial, Institutional, Recreation 1, and Public zoning districts. Chain link fencing may also be used along the rear lot lines on residential lots where the rear lot line abuts a wetland, lake, or conservation area.
- H. The use of barbed wire, razor wire, or the like for fencing is permitted only in the Agricultural, Industrial and Public zoning districts.
- I. Permitted barbed wire or razor wire shall be six (6) feet or more above the ground level. The barbed or razor wire shall be turned, pointed, or directed inward toward the property enclosed by the fence.
- J. Columns for walls may be a maximum of 8 feet in height, or as approved through the architectural review process.
- K. Walls shall be designed with either a stucco or brick finish.