

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

PUBLIC HEARING FOR SECOND READING AND ADOPTION OF ORDINANCE NO. 1020, AMENDING CHAPTER 9. FENCES, HEDGES AND WALLS. AT SECTION 9-1. PERMIT REQUIRED FOR CONSTRUCTION; PERMIT FEE. TO ADD AN EXEMPTION TO THE PERMIT REQUIREMENT FOR FENCE REPAIRS OR REPLACEMENT WHICH IS LESS THAN TWENTY-FIVE PERCENT (25%) OF THE PERMITTED INSTALLATION AND AT SECTION 9-8. RESIDENTIAL ZONING DISTRICTS. TO REVISE EXISTING REGULATIONS TO REQUIRE CERTAIN FENCES INSTALLED IN RESIDENTIAL ZONING DISTRICTS TO BE CONSTRUCTED TO PRESENT THE FINISHED SIDE OF THE FENCE TO THE ADJOINING LOT OR ANY ABUTTING RIGHT-OF-WAY. BY COMMUNITY DEVELOPMENT DIRECTOR ROB HILL.

Issue:

Village Staff is proposing to amend Chapter 9. Fences, Hedges and Walls. at:

- Sec. 9-1 to add an exemption to the permit requirement for fence repairs or replacement which is less than twenty-five percent (25%) of the permitted installation. This revision is consistent with a recent change to the Local Amendments to the Building Code enacted through Ordinance 1013; and
- Sec. 9-8 to revise existing regulations to require certain fences installed in residential zoning districts to be constructed to present the finished side of the fence to the adjoining lot or any abutting right-of-way. Such fences would include those fences constructed in front yards (e.g., between the front of the primary structure and front lot line) and those adjacent to a right-of-way or viewable from a front or side right-of-way.

Recommended Action:

Staff recommends Approval of Ordinance No. 1020 on Second Reading.

Initiator: Comm. Dev. Director	Village Manager Approval	Agenda Date 12-16-2021	Village Council Action
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ORDINANCE NO. 1020

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 9. FENCES, HEDGES AND WALLS. AT SECTION 9-1. PERMIT REQUIRED FOR CONSTRUCTION; PERMIT FEE. TO ADD AN EXEMPTION TO THE PERMIT REQUIREMENT FOR FENCE REPAIRS OR REPLACEMENT WHICH IS LESS THAN TWENTY-FIVE PERCENT (25%) OF THE PERMITTED INSTALLATION AND AT SECTION 9-8. RESIDENTIAL ZONING DISTRICTS. TO REVISE EXISTING REGULATIONS TO REQUIRE CERTAIN FENCES INSTALLED IN RESIDENTIAL ZONING DISTRICTS TO BE CONSTRUCTED TO PRESENT THE FINISHED SIDE OF THE FENCE TO THE ADJOINING LOT OR ANY ABUTTING RIGHT-OF-WAY; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 9. FENCES, HEDGES AND WALLS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 9. Fences, Hedges and Walls. of the Village Code of Ordinances provides regulations for fences installed throughout the Village; and

WHEREAS, the Village Council desires to amend Chapter 9. Fences, Hedges and Walls. of the Village's Code of Ordinances in order to revise existing regulations to add a permit exemption for fence permits under certain conditions, and to require that all fences installed within residential zoning districts in the Village are constructed to present the finished side out toward the adjoining lot or any abutting right-of-way; and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 9 are in the best interests of the general welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 9. Fences, Hedges and Walls. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Sec. 9-1. Permit required for construction; permit fees. in order to add an exemption to the permit requirement for fence repairs or replacement which is less than twenty-five percent (25%) of the permitted installation; providing that Sec. 9-1 shall hereafter read as follows:

Sec. 9-1. - Permit required for construction; permit fee.

No person shall construct, establish or build or cause to be constructed, established or built, a fence, wall or other enclosure without first having obtained a permit from the building inspector. However, fence repairs or replacement less than twenty-five percent (25%) of the permitted installation are exempt from this permit requirement. The fees for such a permit shall be in accordance with section 6-24 of the village code ~~one dollar (\$1.00) per one hundred dollars (\$100.00) or fraction thereof of the estimated cost.~~

Section 2: Chapter 9. Fences, Hedges and Walls. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Sec. 9-8. Residential zoning districts. in order to revise existing regulations to require all fences installed in residential zoning districts to be constructed to present the finished side of the fence outward toward the adjoining lot or any abutting right-of-way; providing that Sec. 9-8 shall hereafter read as follows:

Sec. 9-8. - Residential zoning districts.

For properties located within residential zoning districts except as otherwise prohibited, all fences, walls and hedges located between the primary structure and the front lot line or located on that portion of the lot between the front of the primary structure and the front lot line shall not exceed four (4) feet in height. Fences, walls and hedges on residentially zoned property located at the intersection of rights-of-way shall be located and constructed consistent with village standards for safe sight corners and visibility triangles. All fences constructed in the front yard (between the front of the primary structure and front lot line), adjacent to a right-of-way or viewable from a front or side right-of-way shall be constructed to present the finished side of the fence outward toward the adjoining lot or abutting right-of-way. For purposes of this section, the "finished side" of a fence is the smooth side or the side not containing structural supports. If structural elements are an integral part of the fence design, then such elements must be centered on the line of the fence and designed as part of the finished surface.

Section 3: Each and every other Section and Sub-section of Chapter 9. Fences, Hedges and Walls. shall remain in full force and effect as previously adopted.

Section 4: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This ordinance shall take effect immediately upon adoption.

FIRST READING this 18th day of November, 2021.

SECOND AND FINAL READING this 16th day of December, 2021.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK