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Planning Director  
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MEMORANDUM

Department of Building and Planning

DATE: February 5, 2024

TO: Yocelyn Galiano, ICMA-CM  
Village Manager

FROM: Stephen R. Olmsted, AICP, LEED-GA  
Planning Director

RE: Discussion - Ordinance Amending Chapter 30, Land Development Regulations - Division 5.5, Fences, Walls, and Hedges

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With the understanding and expectation that a higher perimeter wall adjacent to the front and side street property lines may further enhance the safety and security of schools and places of worship in the PS, Public Service zoning district, the Village Council has been asked to consider increasing the maximum permitted height of a wall adjacent to the front and side street property lines from 4 feet to 8 feet. In follow up to discussion with the Village Council on January 9, 2024, staff has revised the proposed ordinance to allow consideration of a wall higher than 4 feet as a conditionally permitted use subject to review and approval of the Village Council in a required public hearing.

Required conditions for approval of a wall higher than 4 feet, not exceeding 8 feet in height, include landscaping adjacent to the length of the wall including shrubs planted at a minimum of 24 inches on center and 30 inches in height at time of planting, and canopy trees planted at a maximum average spacing of 25 feet on center. Where landscaping is required, the wall is required to be set back 8 feet from the property line to accommodate the required landscaping. Additional requirements include an aesthetically appealing design that will be harmonious and compatible with neighboring development and include decorative architectural features including columns, landscaped insets, scored block or surface, and/or other similar aesthetically appealing architectural design details. The height of walls adjacent to a street is required to be measured from the average elevation of the adjoining crown of road or established grade.

Following the Village Council meeting on January 9, 2024, the Building and Planning Department received a request to add an additional amendment to the Fence regulations to allow artificial ivy covering to be installed on chain link fences on properties in the PS, Public



Services zoning district for the purpose of providing improved privacy and security. A proposed amendment allowing for covering on chain link fences is now also included for discussion purposes.

Draft amendments to Division 5.5 of the Village's Land Development Regulations are attached for the Village Council's consideration. Proposed amendments are shown in underlined text and highlighted in yellow. If authorized by the Village Council, staff will schedule public hearings for further consideration of the draft amendments before the Local Planning Agency and Village Council as required.

ORDINANCE 2024-\_\_\_\_

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES, CHAPTER 30, LAND DEVELOPMENT REGULATIONS, BY REVISING ARTICLE 4, ZONING DISTRICT REGULATIONS, DIVISION 4.4, PUBLIC AND SEMI-PUBLIC SERVICES (PS) DISTRICT REGULATIONS; AND ARTICLE 5, ADDITIONAL REGULATIONS, DIVISION 5.5, FENCES AND WALLS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the Village of Pinecrest, Florida (the "Village"), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provides municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the Village Charter empowers the Village Council to adopt, amend or repeal its ordinances and resolutions as may be required for the benefit of the residents of the Village; and

WHEREAS, the Village Council finds it periodically necessary to amend its Code of Ordinances and Land Development Regulations ("Code") in order to update regulations and procedures necessary to implement municipal goals and objectives; and

WHEREAS, the Village Council has identified amendments to the Village's Code that are necessary to implement the goals, objectives, and policies of the Village's Comprehensive Development Master Plan; and

WHEREAS, in order to protect the public health, safety, and general welfare of the citizens of the Village, the Village Council finds that it is necessary to increase the height of protective walls and fences in the PS, Public Service District; and

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words, **highlighted in yellow** are additions to the existing words. Changes between first and second reading are indicated with **green highlight** and ~~double-strikethrough~~ or double underline.

WHEREAS, the Local Planning Agency, held a duly advertised public hearing on \_\_\_\_\_, 2024; and

WHEREAS, after reviewing the Local Planning Agency’s recommendations, the recommendations of Village staff, and comments from the public, the Village Council finds that the proposed amendments to its Code are in compliance and consistent with Florida law, and its adopted Comprehensive Development Master Plan; and

WHEREAS, the Village Council further finds it to be in the best interest of the public health, safety and welfare of the citizens to adopt this Ordinance amending the Village’s Code.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA:

**Section 1. Recitals.** That the above stated recitals are hereby adopted and confirmed.

**Section 2. Village Code Amended.** The Village Council of the Village of Pinecrest hereby amends Article 4, “Zoning District Regulations” and Article 5, “Additional Regulations,” of Chapter 30 of the Code of Ordinances as follows:

**CHAPTER 30 – LAND DEVELOPMENT REGULATIONS**

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**ARTICLE 4. – ZONING DISTRICT REGULATIONS**

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**Div. 4.4 – Public and Semi-Public Services (PS) District**

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*(c) Conditional uses.* Within the PS district the following uses be approved by the village council, but only as a conditional use:

1. Cultural and civic activities, private;
2. Educational institutions, nonpublic;
3. Places of worship; and

4. Public utilities; and

5. Walls exceeding four feet in height, not exceeding eight feet in height, when located within the required front or side street setback areas.

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## ARTICLE V. – ADDITIONAL REGULATIONS

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### Div. 5.5. Fences, walls and hedges.

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(b) *Exterior finish of walls and fences.* Each side of a concrete block and stucco wall shall be completely finished with stucco and paint. Each side of a decorative masonry wall shall be completely painted. The finished side of all fences shall face outward. If a wall or fence is to be placed on a shared property line, consent for access must be obtained from the adjoining property owner(s) prior to finishing the opposite side of the wall or fence. If such consent cannot be obtained, the property owner erecting the wall or fence must present proof that a request for access approval was mailed to every adjacent property owner, by certified mail, return receipt requested, to the mailing addresses as listed in the most current county tax roll, and the mailing was returned undeliverable or the adjacent property owner(s) failed to respond to the request within 30 days after receipt. Upon such a showing, the property owner erecting the wall or fence shall not be required to finish the opposite side of the wall or fence. All fences shall be maintained in good condition free of rot and mildew. Permanent chain link fences, walls, and other permitted fences, shall not be covered or draped with fabric, mesh, plastic, or other material, except that chain link gates installed within permitted chain link fences may be covered; and chain link fences within the PS, Public Service zoning district may be covered with artificial ivy screening.

\* \* \*

(d) *Measuring height of wall, fence or hedge.* The height of a wall; hedge or fence shall be the vertical distance measured from the average elevation of the finished building site to the top of the wall, hedge or fence. The average elevation shall be measured along both sides of the wall, hedge or fence line. Existing grade may not be increased or decreased to affect the permitted (or required) height of a wall, hedge or fence, unless the entire building site is graded to even out the level of the site or to increase it to the required flood criteria elevation. Average elevation shall be determined by taking elevations along both sides of the wall, hedge or fence line at five-foot intervals, totaling the elevations, and then dividing the total by the number of stations at which the elevations were taken. The height of a wall adjacent to a street shall be measured from the average

elevation of the adjoining crown of road. The height of a wall from other property lines shall be measured from the elevation of the established grade of the developed property.

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- (i) *Height of hedges in all districts.* The height of any hedges shall be a maximum of 14 feet.
- (j) *Heights of walls and fences in BU and PS districts.*

**Wire and Transparent Metal Picket Fences:** In the BU and PS districts, any wire or transparent metal picket fence shall not exceed eight feet in height. when located within the required front or side street setback areas. When located between the building line and other property lines, a wire fence shall not exceed eight feet in height.

**Walls and Hedges:** In the BU and PS districts, Walls and hedges, when located within the required front or side street setback areas, shall not exceed four feet in height, except that the maximum permitted height of a wall in the PS District when located within the required front or side street setback areas may be increased to eight feet following review and approval of a conditional use permit by the Village Council prior to issuance of a building permit. Walls higher than four feet in height, if approved by the Village Council, shall be architecturally and aesthetically appealing and compatible with neighboring development, and landscaped with trees and shrubs along the entire length of the wall. Required shrubs shall be planted at a minimum of 24 inches on center and 30 inches in height at time of planting. Shrubs required as a buffer shall not be trimmed shorter than 72 inches except where required in order to maintain a safe sight distance. Required trees shall be mahogany or oak trees, or similar hardwood canopy trees acceptable to the administrative official, planted at a maximum average spacing of 25 feet on center. Walls shall be designed to include decorative architectural features including columns, landscaped insets, scored block or surface, trellises, green vegetation, sculptural wall panels, accent lighting, stone cladding and/or other similar aesthetically appealing architectural design details. When located between the building line and other property lines, walls and hedges shall not exceed eight feet in height. Walls between dissimilar uses shall include landscaping to include shrubs and canopy trees pursuant to the requirements of Division 8.1 (8) of the Land Development Regulations for "Buffers between dissimilar uses". When a wall is required to be landscaped, the wall shall be located a minimum of eight feet from the property line to accommodate the required landscape buffer.

- (k) *Height of gates and columns.* The height of any column shall not exceed eight feet in any district. Within all districts except the PS district, the height of any gate shall not exceed six feet in any district, height except that gates adjacent to a street or road that are designed to include an arch or other ornamental feature or design element may extend to a maximum of seven feet at the peak of such feature. Within the PS district, gates shall not exceed the height of the permitted fence or wall.

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**Section 3. Codification.** It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Pinecrest; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 4. Conflicts.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2024.

PASSED AND ADOPTED on second reading this \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2024.

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Joseph M. Corradino, Mayor

ATTEST:

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Priscilla Torres., CMC  
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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Mitchell Bierman  
Village Attorney

Motion on Second Reading by:  
Second on Second Reading by:

Vote: