§ 2-50  ORMOND BEACH LAND DEVELOPMENT CODE

(5) Farm ponds shall be constructed to the standards and specifications promulgated by the U.S. Department of Agriculture, Soil Conservation Service, and shall be approved by that agency. The landowner shall forward a copy of the approved plans to the SPRC for approval prior to beginning construction of the pond.

(n) 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) 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 fifty percent (50%) of more of the linear frontage. Repair of existing fencing shall be required to be the same material as currently exists. An application for a fence permit shall include a full site plan showing:
      1. All structures on the site;
      2. All easements, rights-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) In general.
   a. Other than for retaining walls deemed necessary by the city engineer, all height, location and design restrictions are addressed pursuant to this Land Development Code.
   b. No fence or wall shall be erected, altered, or located in any way that violates the clear sight triangle. (See definition and illustration 1 in subsection (n)(17)a of this section.)
   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.
   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 Land Development Code. Replacing the fence shall be the property owner's responsibility and shall also conform to the provisions in this Land Development Code.
f. No fence or wall shall be any closer than three feet (3') to any right-of-way line.  

(3) Permitted fence and wall heights.

<table>
<thead>
<tr>
<th>Fence Type</th>
<th>Front Yard (in feet)</th>
<th>Side Corner Yard (in feet)</th>
<th>Side Yard (in feet)</th>
<th>Rear Yard (in feet)</th>
<th>Waterfront (in feet)</th>
<th>Through Lot (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solid (wood, PVC, masonry)</td>
<td>3</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Open* (picket, wrought iron style, rail)</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Chainlink</td>
<td>Not permitted</td>
<td>Not permitted</td>
<td>6, not to extend beyond principal structure</td>
<td>6</td>
<td>4, green or black vinyl coated only</td>
<td>Not permitted</td>
</tr>
</tbody>
</table>

*Open style fencing must be a minimum of fifty percent (50%) opacity.

(4) Chainlink fences.

a. Development on nonresidential and multifamily property adjacent to FDOT or the county retention ponds shall be required to replace any chainlink fencing around said ponds with decorative fencing, subject to the approval of those jurisdictions.

b. Chainlink 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 ten feet (10'). Chainlink is prohibited in the front and side corner yards.

c. No chainlink fence shall be located on an arterial or collector roadway.

d. Chainlink fencing is prohibited in the front and side corner yards in single-family zoning districts. Chainlink 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 seven feet (7') 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 District and the I-1, Industrial Zoning District, masonry walls or precast walls with columns are permitted to be six feet (6') in height within the front yard setback to allow site screening.

(6) Vacant and 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 chainlink fence, having a maximum height of six feet (6').

b. For parcels located on arterial or collector roadways, fencing that is not chainlink will be permitted to six feet (6').
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(7) Construction fencing. Temporary security fencing, not to exceed six feet (6') in height, is permitted for nonresidential construction sites. Such fencing may be chainlink and shall be approved in conjunction with the building permits for the subject property. All construction fencing shall be removed prior to the certificate of completion/occupancy for the project.

(8) Noise attenuation barriers.
   a. Noise attenuation barriers shall be permitted along Interstate 95.
   b. Noise attenuation barriers shall be designed by an acoustical engineer and demonstrate that the proposed barrier will reduce noise impacts and not reflect onto other properties.
   c. The maximum height of a noise attenuation barrier shall be determined by an acoustical engineer and reviewed and approved by the city engineer in order to reduce noise from the interstate.
   d. Noise attenuation barriers shall be architecturally treated to the maximum extent practical while maintaining the ability to reduce noise from the highway.

(9) Wall columns.
   a. Wall columns shall have a maximum spacing of 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.
   b. 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 a sign.
   c. Light fixtures may extend up to forty-two inches (42") above the height of the wall.

(10) 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.

(11) 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, precast walls, in close proximity to existing trees must not result in damage to the root system as determined by the city's landscape architect.

(12) Entrance gates.

a. Access shall have an unobstructed width of not less than twenty feet (20') and an unobstructed vertical clearance of thirteen feet, six inches (13'6"). Minimum width may be reduced to meet special access with the approval of the fire official.

b. Entrance gates for all uses shall not exceed a height of ten feet (10') except when approved by the city, based on drawings which demonstrate that additional height is required to achieve specific design objectives.

(13) 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 six feet (6').

b. Entrance walls and landscaping shall be located within a ten-foot (10') wide easement or common area. Maintenance responsibility by the HOA is to be clearly established in the HOA documents.

(14) Buffer walls required.

a. In order to promote privacy and reduce noise, glare, and visual impacts when nonresidential 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:

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>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</th>
<th>Abutting R-4, R-5, R-6, R-7 or Existing Conforming Multifamily Use in Any District, Except B-4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Side Yard</td>
<td>Rear Yard</td>
</tr>
<tr>
<td>Commercial</td>
<td>SPCR</td>
<td>Masonry</td>
</tr>
<tr>
<td>Public/ institutional</td>
<td>SPCR</td>
<td>SPCR</td>
</tr>
<tr>
<td>Multifamily</td>
<td>SPCR</td>
<td>SPCR</td>
</tr>
<tr>
<td>Industrial</td>
<td>Masonry</td>
<td>Masonry</td>
</tr>
</tbody>
</table>

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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 SPRC 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 in this subsection.

d. 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 a four-to-one (4:1) ratio. The use of fill on the abutting property side of the wall shall be allowed only with the approval of the abutting property owner.

(15) Double frontage walls. 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.

(16) 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.

(17) 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 ensure the safety of the general public.
Illustration 1. Clear Sight Triangle

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 No. 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 three feet (3') and no trees with branches lower than ten feet (10') 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 twenty feet (20') away from the front edge of curb.

(o) Garages. All single-family residences are required to have a garage or carport structure. No garage may be enclosed for additional living area, unless an additional garage or carport is constructed or presently exists on the subject property.

(1) Attached garages. The following are the standards for attached garages:

a. The attached garage may not exceed fifty percent (50%) of the total square footage of the principal structure.

b. The building setbacks of the attached garage shall conform to the principal building setbacks of the zoning district.

c. The attached garage is required to have similar architectural features, construction type and color, similar to the principal house structure.