

Section 16.40.040 – Fence, Wall and Hedge Regulations

16.40.040.1

All fences, walls and hedges shall comply with the following requirements which relate to height, location and design.

16.40.040.2 Definitions

As used in this section:

“Decorative” as applied to walls means that a wall is masonry with a stucco finish; has a finish of natural materials, such as brick, stone, or glass block; or has a finish which is accepted for use in the industry and approved by the POD.

“Decorative” as applied to fences means that a fence is made of PVC fence material, wrought iron, or aluminum pickets, or is a painted or stained shadow-box or board-on-board type fence.

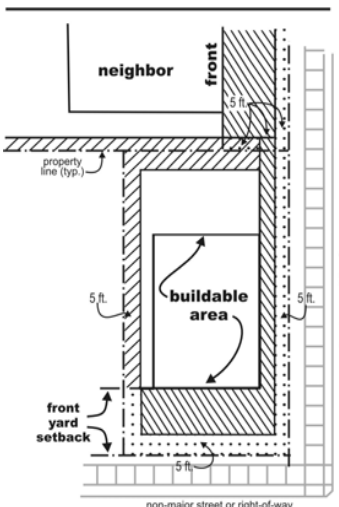
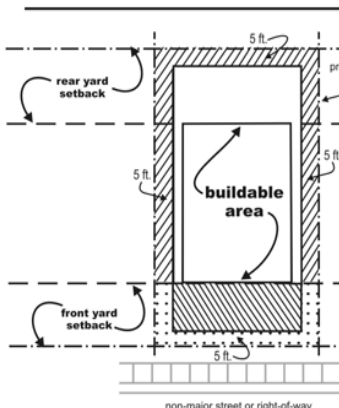
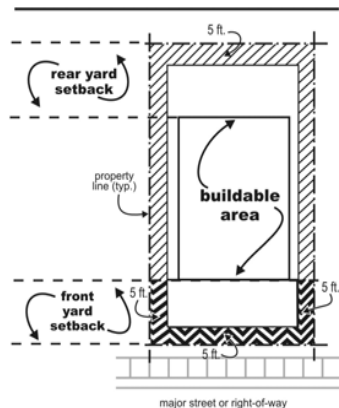
“Hedge” means a continuous arrangement of three (3) or more shrubs which are planted and maintained to create an open space less than two (2) feet wide by six (6) feet high between each shrub.

“Open” means and includes all fence and wall sections which have an opacity of twenty-five (25) percent or less, excluding vertical support posts.

“Section” is a segment of fence including vertical pickets, any horizontal rails, and one supporting post, except that a post with horizontal dimensions of four (4) inches by four (4) inches or less shall be excluded from the calculations to determine opacity. For a post having dimensions greater than four (4) inches on a side, that part of the dimension greater than four (4) inches shall be included in the calculations to determine opacity.

16.40.040.3 Charts

The following charts provide specific regulations and design and other guidelines.

1. RESIDENTIAL USES (Including mixed-uses with a residential component; excludes requirements for waterfront yards - see below)				
	Front Yards - Major Streets	Front Yards - All other streets	Side Yards, Street Side Yards, and Rear Yards	Street Side - Abutting Neighbor's Front Yard
Maximum Height	- 4 feet for a fence or wall of any style - 6 feet for a decorative fence or wall which is landscaped - 6 feet for a hedge	- 4 feet for a fence or wall of any style - 5 feet for a hedge - 6 feet for a decorative fence or wall which is landscaped and which is on a property with more than 150 lineal feet of street frontage	- 6 feet for a fence or wall of any style - 10 feet for a hedge	- 4 feet for a fence or wall of any style - 5 feet for a hedge
<p><i>The diagrams at right are intended to provide an illustrative view of the foregoing regulations as applied to rectangular lots platted in the traditional block pattern of the City. For non-rectangular lots or for lots with irregular lot lines, property owners are advised to contact the City to verify interpretation of the ordinance as applied to a specific property.</i></p>	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Fence/Hedge Regulations Corner lots * Non-major streets</p>  </div> <div style="text-align: center;"> <p>Fence/Hedge Regulations Interior lots * Non-major streets</p>  </div> <div style="text-align: center;"> <p>Fence/Hedge Regulations Major Streets</p>  </div> </div> <div style="margin-top: 10px; text-align: center;"> <ul style="list-style-type: none"> 4ft. fence/wall; no limit landscape 4ft. fence/wall; 5ft. hedge 6ft. fence/wall; 10ft. hedge 6ft. fence/wall; no limit on landscape 4ft. fence or wall of any style; 6ft. hedge OR 6ft. decorative fence or wall w/landscaping </div>			

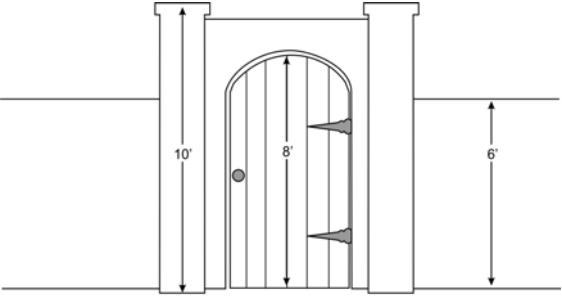
2. WATERFRONT YARDS (All uses)			
Maximum Height	- 3 feet for a solid fence or wall of any style, or a hedge - 4 feet for an open fence - 6 feet for a vinyl-coated chain-link fence In part of the waterfront yard there shall be no limit on the height of hedges (see E.2, below).	For IC/CRD-zoned properties - 10 feet for an open fence	For commercial marinas - 6 feet for an open fence
<p><i>The diagram at right is intended to provide an illustrative view of the foregoing regulations as applied to rectangular lots platted in the traditional block pattern of the City. For non-rectangular lots or for lots with irregular lot lines, property owners are advised to contact the City to verify interpretation of the ordinance as applied to a specific property.</i></p>	<div style="text-align: center;"> <p>Fence/Hedge Regulations Waterfront Yards (excluding IC/CRD zoned properties and Commercial Marinas)</p> </div>		

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3. NON-RESIDENTIAL USES (Excluding II and IS-zoned properties)				
	Front Yards - Major Streets	Front Yards - All other streets	Side Yards, Street Side Yards, and Rear Yards	Street Side - Abutting Neighbor's Front Yard
Maximum Height	- 4 feet for a fence or wall of any style without landscaping - 6 feet for a fence or wall of any style landscaped in accordance with City Code - 6 feet for a hedge	- 4 feet for fence or wall of any style without landscaping - 6 feet for a fence or wall of any style landscaped in accordance with City Code. - 6 feet for a hedge	- 8 feet for a fence or wall of any style or a hedge in the side and rear yards - 6 feet for a fence or wall of any style without landscaping in street side yards - 8 feet for a fence or wall landscaped in accordance with City Code in street side yards -8 feet for a hedge in street side yards	- 4 feet for fence or wall of any style without landscaping - 6 feet for a fence or wall of any style landscaped in accordance with City Code. - 6 feet for a hedge

4. INDUSTRIAL USES (Properties zoned IT and IS)				
	Front Yards - Major Streets	Front Yards - All other streets	Side Yards, Street Side Yards, and Rear Yards	Street Side - Abutting Neighbor's Front Yard
Maximum Height <ul style="list-style-type: none"> • IT-zoned properties may be exempt from the requirement to install landscaping pursuant to the IT district regulations. 	- 4 feet for fence or wall of any style without landscaping - 10 feet for a fence or wall of any style landscaped in accordance with City Code * - 10 feet for a hedge	- 4 feet for fence or wall of any style without landscaping - 10 feet for a fence or wall of any style landscaped in accordance with City Code * - 10 feet for a hedge	- 10 feet for a fence or wall of any style or a hedge in the side and rear yards - 6 feet for fence or wall of any style without landscaping in street side yards - 10 feet for a fence or wall of any style landscaped in accordance with City Code in street side yards * -10 feet for a hedge in street side yards	- 4 feet for fence or wall of any style without landscaping - 10 feet for a fence or wall of any style landscaped in accordance with City Code * - 10 feet for a hedge

5. DESIGN AND OTHER RELATED REGULATIONS	
A. EXEMPTIONS	Fences, walls and hedges on certain properties of the Pinellas County School Board shall be regulated as set forth in an interlocal agreement between the City and the School Board, as may be amended from time to time.
B. ALLOWANCES FOR ADDITIONAL HEIGHT	<p>1. Fences or walls for which a greater height is necessary because of:</p> <ul style="list-style-type: none"> 1) an association with uses that require high fences to protect public safety, such as, but not limited to, driving ranges, utility substations, baseball fields, athletic fields, and swimming pools; or, 2) a requirement of a state or federal agency, may be allowed subject to a height limit which may be imposed by the POD. <p>Approval of height in excess of that allowed by this Code will be based upon precedent established by previous City approvals, standardized specifications, required security measures, and trajectories for driving ranges and athletic fields. Such fences or walls need not comply with the Design Standards of this section, but shall comply with all landscaping requirements.</p> <p>2. One (1) additional foot of height is allowed for fence or wall columns which are a maximum of two (2) feet in width and spaced at least six (6) feet apart measured center to center.</p> <p>3. Two (2) additional feet of height is allowed for a decorative open arched gate which does not exceed 25 feet in width for a vehicular gate or eight (8) feet in width for a pedestrian gate</p> <p>4. Four (4) additional feet of height is allowed to accommodate solid arch structures over gates (as shown below) and other passageways for pedestrians and vehicles.</p> <div style="text-align: center;">  <p style="text-align: center;">Additional Height for Gates/Arches</p> </div>

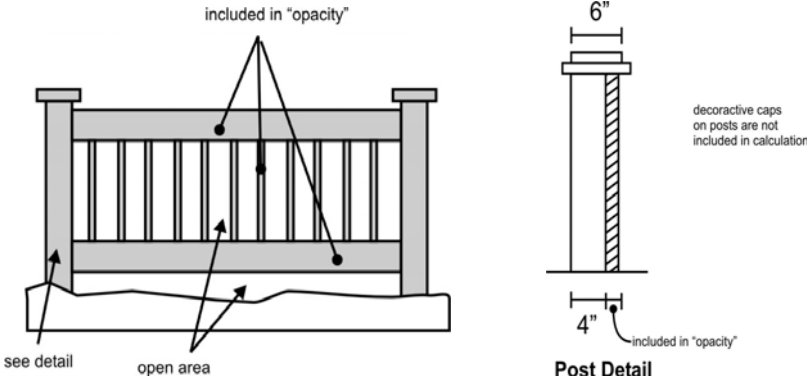
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B. ALLOWANCES FOR ADDITIONAL HEIGHT (cont.)	<ol style="list-style-type: none">5. Two (2) additional feet of height is allowed for decorative lanterns, urns, planters, or sculptural elements above the maximum height allowed for the fence or wall component (e.g. wall, column, or arch) upon which such decorative feature is located.6. Maximum height may vary by up to six (6) inches to allow for grade changes, clearance under fences for maintenance, footers, other obstacles customary to the use intended to be fenced, and reasonable human error.7. Up to two sections of fence or wall, not to exceed eight (8) feet in width each, may be allowed two (2) additional feet in height within any side (non-street) or rear yard for lattice, planter boxes, or selective screening of adjoining uses.8. Fences, walls, or hedges along the side yard of a residential use which abuts a non-residential use may be six (6) feet in height to within five (5) feet of the front property line.9. Fences or walls for single-family uses which abut Interstate 275 may be eight (8) feet in height.
C. DESIGN STANDARDS	<ol style="list-style-type: none">1. All fences and walls shall comply with the architectural, design, and landscaping requirements of this code.2. All fences and walls shall be installed with the finished side facing towards the exterior or adjoining properties and rights-of-way (excluding alleys). For fences and walls between adjoining properties, this requirement may be waived by the POD upon approval by the adjoining property owners, whose written approval shall be signed or acknowledged before a notary.3. Barbed wire is prohibited at 1) any residential use; 2) any mixed-use having a residential component; 3) any residentially-zoned property (regardless of its developed use); 4) any property zoned DC or CCT-2; and 5) on any property within ten (10) feet of any property zoned or developed with a residential use. Barbed wire shall be oriented toward the interior of the property and included in the overall fence height measurement. Barbed wire is prohibited on any fence within a yard along a major street.

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C. DESIGN STANDARDS (cont.)

4. On properties (excluding industrial, single-family, and duplex uses) visible from any major street, fences and walls shall be decorative or vinyl-coated chain-link (including stands, poles, and rails). Fences which are screened by required landscaping shall be exempt from the decorative or vinyl-coated fencing requirement.



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	<ol style="list-style-type: none">5. All fences except chain-link fences shall have upper and lower rails between posts. A chain-link fence shall have a top rail.6. Fences and walls shall comply with the design requirements established for the zoning district.7. Fences and walls shall be consistent in style and design within any property (e.g. same design in front yard or rear yard), and for yards abutting streets (e.g. same or compatible design and style for both front and street side yards for corner lots). Fences and walls shall be comprised of no more than three (3) materials for panels, posts, rails, columns, and other elements within all yards of any property. Fences and walls in side, rear, and waterfront yards may be comprised of a different material(s) than that used in the front yard.8. Fences and walls shall be designed and installed as follows:<ol style="list-style-type: none">a. Fences shall be designed in accordance with industry standard forms such as: stockade, board-on-board, shadowbox, tongue-and-groove, picket, split rail and chain link. An alternative form may be approved where the POD finds that the proposed form complies with the intent of the provisions of this section and that the form requested is at least the equivalent to the industry standard in quality, strength, effectiveness, fire resistance, durability and safety.b. The term <i>building materials</i> shall mean industry standard materials normally manufactured for, used and recognized as fencing materials such as: wrought iron, aluminum or other decorative metals suitable for the construction of fences, masonry, concrete, stone, galvanized and vinyl-coated chain link, wood planks or pickets, and vinyl or composite manufactured specifically as fencing materials. An alternative material may be approved where the POD finds that the proposed material complies with the intent of the provisions of this section and that the material requested is at least the equivalent of the industry standard in quality, strength, effectiveness, fire resistance, durability and safety.9. Fences and walls greater than 100 feet in length shall be articulated by columns or other visual breaks measuring at least two (2) feet in width and spaced no more than 24 feet apart. Landscaping shall be provided in accordance with the Landscaping and Irrigation Section. This design standard shall apply for any portion of a qualifying fence or wall facing a right-of-way (excluding alleys.)
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<p>C. DESIGN STANDARDS (cont.)</p>	<p>10. The attachment of fabric, shade cloth or other material to a chain link or similar open fence is prohibited except as provided herein. Fabric, shade cloth or other material is not a permitted method for required screening of outdoor storage areas. Fabric, shade cloth or other material may be installed to create a wind barrier for athletic courts or similar situations subject to the following conditions: a. Professional installation is required by a licensed contractor; b. The proposed material shall be designed to withstand wind resistance with commercial grade seams and attached at grommets designed in a manner consistent with building regulations.</p> <p>11. It shall be unlawful for any person to construct, maintain, place, install or allow or cause to be constructed, maintained, placed or installed on or about any structure or property any fence, barrier, partition, obstruction or similar structure that is electrically charged or connected with any electrical source in such a manner as to transmit an electrical charge to persons, animals or things which come in contact therewith.</p>
<p>D. STANDARDS FOR MEASUREMENT</p>	<p>1. The height of a fence, wall or hedge shall be measured from:</p> <ul style="list-style-type: none"> 1) the existing natural grade upon which the structure to be measured sits; or 2) the finished grade at the time of subdivision platting. <p>Measurement shall be taken from the abutting property. Where the existing grade of one lot has been modified due to FEMA regulations, measurement shall be made from the mid-point of the existing grade and the FEMA required minimum grade. Where the existing grade of two or more adjacent lots has been modified due to FEMA regulations, measurement shall be made from the new finished grade.</p> <p>2. Except as provided in Section B of this chart, the addition of any material (e.g. screening, flags, lattice, or planters) to a fence or wall which is visible above the fence or wall shall be considered part of the fence or wall when measuring overall height.</p>
<p>E. LOCATIONAL CRITERIA</p>	<p>1. Hedge regulations shall only apply to hedges within five (5) feet of a property line of a residential use and within ten (10) feet of a property line for all other uses. This provision shall not include waterfront yards.</p>

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<p>E. LOCATIONAL CRITERIA (cont.)</p>	<ol style="list-style-type: none">2. In waterfront yards, a hedge shall not exceed three (3) feet in height within a primary view corridor consisting of the first five (5) feet measured from the waterfront boundary line. The primary view corridor shall additionally include portions of the waterfront yard, on each side of the waterfront yard, located as follows: From a rear corner, measure along the waterfront boundary line for a distance equal to one-half of the depth of the waterfront yard to a point. From that point, extend a straight line to a point where the waterfront setback line intersects the nearer side boundary line, and from that intersection, return to the corner. In the remainder of the waterfront yard there is no limit on the height of hedges.3. Fence and wall heights shall apply in all required yards. Fences and walls shall not exceed the maximum building height within the buildable area.4. In the DC and CCT-2 zoning districts, no fence or wall shall be installed within three (3) feet of any wall on an adjoining property if such wall has one or more windows or doors, and no fence or wall shall impede required emergency egress from a window or door on any property.5. For through-Lots and other irregular lots, at least one yard shall be considered to be a rear yard for the purpose of allowing fences, walls or hedges. The yard which shall be allowed a rear yard fence, wall, or hedge shall be determined based upon the following order of factors: a) the predominant location of rear yards of other lots in the block, b) the location of the front entry into the house on the subject lot, and c) the relationship of the yard to other yards on abutting properties.6. No fence, wall, or hedge shall be installed so as to obstruct passage through a vehicular use area (parking lot, driveway, loading zone, etc.), sidewalk, or right-of-way located on the same property or an adjoining property and existing at the time the fence, wall or hedge is installed; provided, that this provision shall not be deemed to create an obligation on the part of a property owner to give an adjoining property owner a right of ingress-egress where none exists by express agreement or through historic usage or where such obligation has not been imposed by the City as a condition of approval of a development order.7. Fences and walls over four (4) feet in height which are adjacent to a sidewalk shall be setback a minimum of two (2) feet from the edge of the sidewalk, except for fences and walls within DC and CCT-2 zones.8. Fences, walls, and hedges shall comply with visibility at intersection and sight triangle requirements.9. No fence or wall shall be situated along any alley so as to obstruct the use of the alley by the public or to obstruct access to accessory structures (e.g. garages) situated adjacent to alleys.
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<p>E. LOCATIONAL CRITERIA (cont.)</p>	<p>10. No fence or wall shall be allowed on or permitted to overhang a right of way.</p> <p>11. Hedges are allowed in the right-of-way so long as no portion of the hedge is within four feet of the curb, or edge of pavement if there is no curb, within one foot of the sidewalk, or higher than four feet</p>
<p>F. PERMITTED AND MAINTENANCE REQUIREMENTS</p>	<p>1. All walls and fences shall be maintained in a sturdy upright position, in good condition, free from mildew or rot that has substantially penetrated the depth of the fence, free from any broken parts, slats or boards, and with no parts, slats or boards missing.</p> <p>2. The owner of a property where a fence, wall or hedge is located is responsible for maintenance of both sides. Nothing in this section shall be construed to grant any right of entry to an adjoining property which is under separate ownership for the purpose of maintaining a fence, wall or hedge. Nothing in this section shall be construed as creating an obligation to maintain a fence, wall or hedge if access to an adjoining property is necessary for maintenance work and the owner of the adjoining property fails or refuses to grant a right of entry to the owner of the fence for such work at reasonable times despite a request for such right of entry.</p>
<p>G. REQUIRED LANDSCAPING</p>	<p>Where “landscaping” is required by this section, such landscaping shall be in accordance with the Landscaping and Irrigation Section.</p>
<p>H. GRANDFATHERED STATUS</p>	<p>1. All existing fences and walls which do not comply with the regulations of this section, whether lawful when erected or otherwise, shall be brought into compliance at such time as more than 50 percent of the surface area of the fence or wall within any one yard is replaced.</p> <p>2. All existing hedges which do not comply with the regulations of this section shall not be deemed grandfathered, but shall be brought into compliance not later than September 30, 2007.</p>

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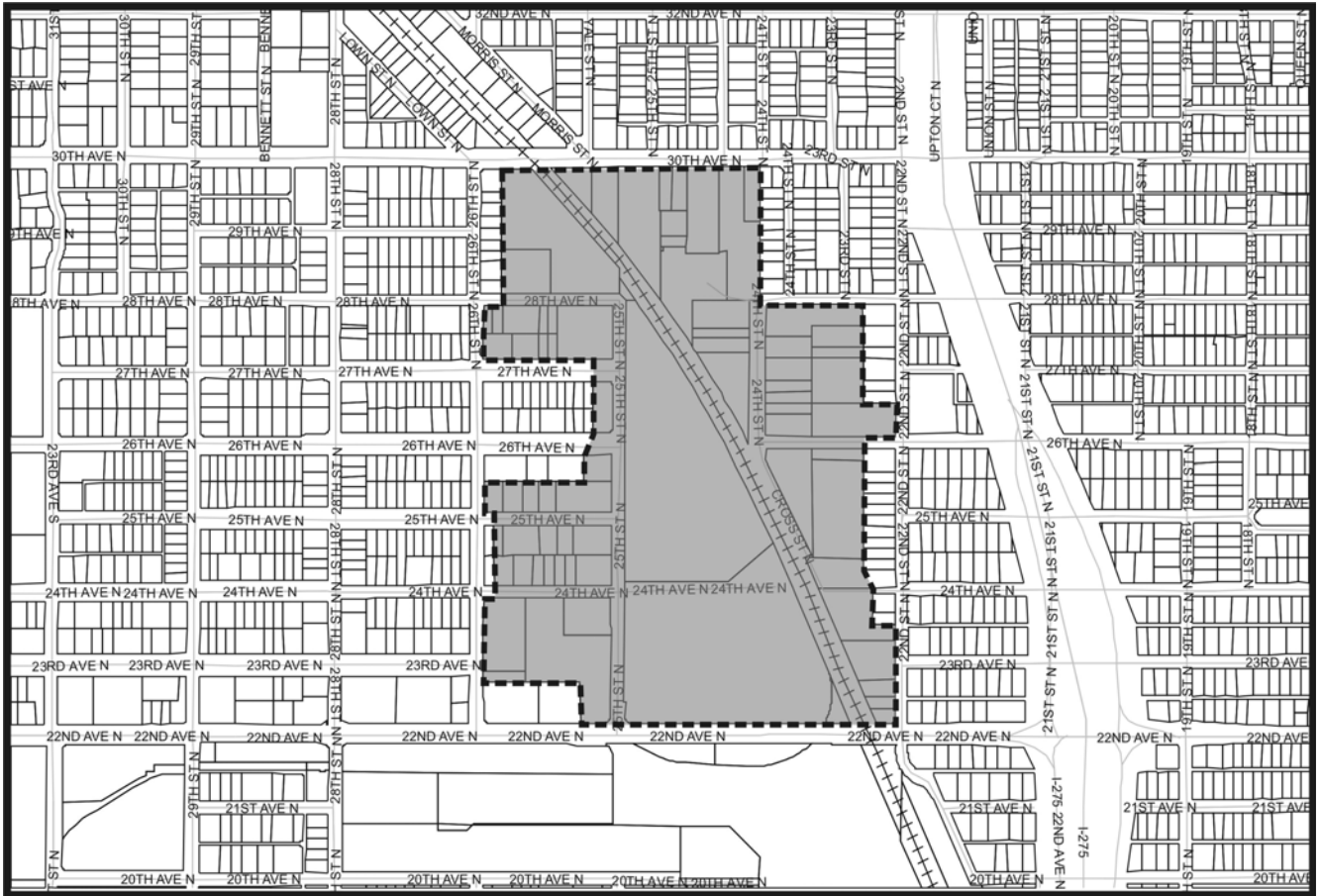


Illustration 1
IT-ZONED PROPERTIES
EXEMPT FROM LANDSCAPING REQUIREMENT