

# City of Port St. Lucie

## Zoning Code Text Amendment

City Council Meeting  
January 24, 2022  
P21-268

INCORPORATED

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# Proposed Amendment

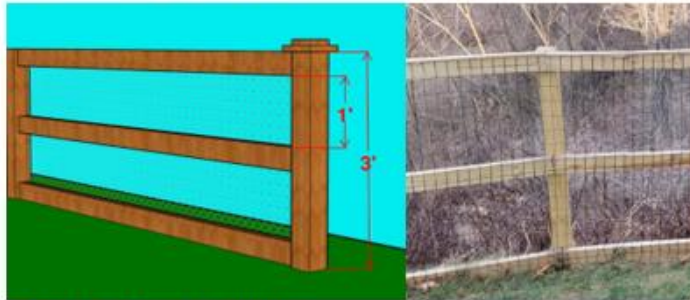
1. Permitted materials were listed with better detail.
2. A clarifying statement was added regarding masonry fencing/walls and the Florida Building Code requirements.
3. A new section regarding the use of vinyl coated welded wire as an interface to wooden fences was added, including graphic examples.
4. A new section was added to clarify the property owners' responsibility to remove fencing/walls from City easements at the request of the City.
5. Pool fencing requirements are specific in the Building Code, therefore there is no need for them to be in the Zoning Code. This section was replaced with a statement to meet Building Code requirements.
6. Language was added to clarify what is permitted to be used for fences as landscaping treatments in the area extending from the front building line.
7. Subsection K was removed as application regulations will be in the Building Code and do not need to be repeated in the Zoning Code.



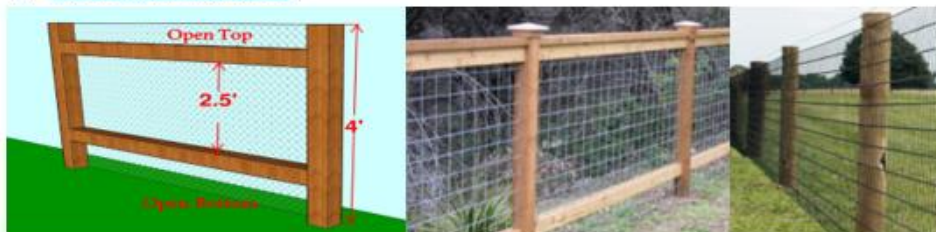
Sec. 158.216 – Fences and [Privacy Walls](#)

(A) Construction. All fences placed on property with residential zoning designation shall consist of the following materials:

1. Chain Link steel wire (6-9 gauge), aluminum, vinyl coated steel, polyester powder steel, Cedar, White Oak, Cypress, Redwood, or pressure treated lumber.
  - a. Ornamental designs are permitted.
  - b. Imitation wood fences are permitted if the material is:
    - i Vinyl, composite, or other similar plastic fencing material.
    - ii Masonry material and/or any material comparable to masonry are permitted if it follows regulations listed in subsection (2.)
  - c. Lattice design is permitted on top of fencing if it is less than two (2) feet in height and the overall height of the fence and lattice work does not exceed the permitted fence height.
2. Masonry, any material comparable to masonry, or stone walls are:
  - a. Shall meet all Florida Building Code requirements including structural integrity.
  - b. Prohibited in that area extending from the front building line to the front property line, unless use as landscape material and follows requirements of Section 158.216 (H).
3. Vinyl coated welded wire may be used as an interface to a wooded fence when and only when:
  - a. The top, sides, and bottom of the wire (cut edge of wire) is hidden by the wooden fence.
  - b. The wood fence has a maximum height of Three (3) feet. Post caps may be in addition to the 3 feet but be limited to 3 inches maximum.
  - c. A Post & Rail fence has a top and bottom rail hiding the edges of the wire and the rails are no more than one (1) foot apart.
  - d. EXAMPLES OF PERMITTED:



e. EXAMPLES OF PROHIBITED

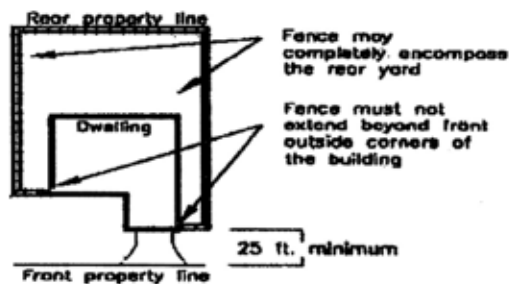


4. Chicken wire and barbed wire material in residential zoning districts are not permitted.

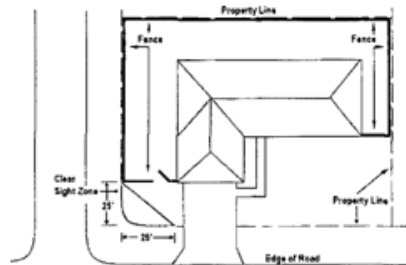
5. Upon request from the City, the property owner shall remove permitted or unpermitted alterations or improvements within City drainage and utility easements.
  - a. The cost of removing permitted or unpermitted alterations or improvements within City drainage and utility easements shall be that of the property owner.
  - b. The City will not be held responsible for any and all claims, loss, damage, or expense which may arise as a result of the placement or removal of any permitted or unpermitted alterations or improvements within a City drainage and utility easements.
  - c. If a property owner fails to remove and restore the easement areas as required by Chapter 55 of this Code, the city shall take any actions deemed necessary and appropriate to remove and restore the easement area and may collect the costs of such removal and restoration from the owner of the property.

~~(A) Construction. All fences on property zoned residential shall consist of the following materials: Chain link, wood, masonry, or stone, aluminum, vinyl-coated steel or polyester powder steel, ornamental and imitation wood fences. Chicken wire or barbed wire fences in residential districts are not permitted. Vinyl-coated welded wire may be used as an interface to a wooden fence. Interface is defined as a material placed upon an existing fence, inside its common boundaries for the purpose of providing additional security. Masonry or stone walls shall be prohibited in utility and drainage easements on single-family residential zoned property, unless a specific waiver has been approved by the zoning administrator and City Engineer. All metal or wood fences located in utility or drainage easements shall be constructed to be easily removable.~~

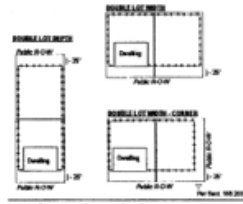
- (B) **Height.** No residential fence shall be of a height greater than eight (8) feet measured from the finished grade at the fence location. This height limitation is not intended to apply to enclosures surrounding, or part of, recreational or sporting facilities. Fences permitted for, or enclosures surrounding recreational or sporting facilities, will be evaluated by the Zoning Administrator on an individual basis.
- (C) **Distance from the Front Yard Property Line.** All fences on property zoned single-family residential shall be located at least twenty-five (25) feet from the front yard property line or even with the outside front corners of the building, whichever distance from the front yard property line is greater.
- (D) **Distance F from the Rear Yard Property Line W when A abutting a Public Road Right-Of-Way.** All fences on property zoned single-family residential shall be located at least (25) twenty-five feet from the rear yard property line, when the rear yard property line abuts a public road right-of-way. The Zoning Administrator may waive this requirement if special circumstances exist.



- (E) **Distance F from the Side Yard Property Line for Corner Lots.** On corner lots zoned single family residential, fences may be erected inside and adjacent to the side yard property line abutting a street right-of-way if the fence will not encroach into the sight triangle. The sight triangle shall be the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of street lines, or in case of a rounded property corner from the intersection of street property lines extended.



- (F) **Fences to be Inside Property Line, Maintenance Responsibility.** All fences shall be erected inside the property line as set out on the plat adopted by the City. The maintenance of the property on both sides of the fence shall be the responsibility of the property owner.
- (G) **Enclosures for Swimming Pools.**
1. [Shall meet all Florida Building Code requirements.](#)
  1. ~~Where any pool is constructed on a lot located in the city, there shall be a fence or a suitable enclosure as set forth in the Florida Building Code, Residential around the pool area. The pool area shall be considered to include the concrete patio.~~
  2. ~~If the enclosure around the pool area shall be a fence, the fence shall be a minimum of four (4) feet in height, and a maximum of six (6) feet in height.~~
  3. ~~The requirements of this section shall not apply to those residential lots wherein a residential fence otherwise complying with all of section 158.006 and being at least of a height of five (5) feet from the ground level has been constructed.~~
- (H) **Fences and privacy walls used as Landscape Material.** On property zoned [single-family](#) residential, segments of fencing [including gates](#), may be utilized as landscaped treatment in that area extending from the front building line to the front property line provided that no property is enclosed. Fence material, [including gates](#), shall not exceed four (4) feet in height. A two-foot break is required for each twenty feet in length. ~~The fence material shall be limited to wood, masonry, stone, vinyl or metal picket.~~ [Fence material shall be regulated as in Section 158.216 \(A\).](#) [No gates or structure may be placed in the two-foot break.](#)
- (I) **Nonresidential Fences.** Fences adjacent to residential property shall conform to the requirements of subsections (B) through (F) above, and Chapter 154, as well as other applicable codes and regulations of the City.
- (J) **Fences on vacant residential lots.** Fences shall only be permitted on a vacant residential lot/s when the following criteria have been met:
1. The vacant lot/s shall be adjacent to a lot that has an existing primary use.
  2. Both the vacant lot/s and the adjacent lot with a primary use shall be in common ownership.
  3. All lots must be located in the same zoning district and in the same future land use designation.
  4. The proposed fence shall meet the side, front, and/or rear setback requirements when abutting a public right-of-way as defined in subsections(C), (D) and (E).
  5. In the event that the abutting street to the subject property has a predominant fence setback that is greater than the requirements of this chapter, all proposed fences on that street shall be located to conform to that setback.



- (K) ~~The permit applicant shall sign an affidavit from the Building Department accepting responsibility for compliance with the City's regulations as stated in § 158.216 for all fence installations.~~

# Recommendation

The Planning and Zoning Board recommended approval at their regular meeting of January 4, 2022.

