

3.8. - Fences, Walls, Berms, and Retaining Walls

3.8.1. Purpose and Applicability

- A. **Purpose and Intent.** The purpose of this section is to ensure the safe, appropriate, and aesthetically pleasing construction of fences, walls, berms, and retaining walls within the City. For the purpose of this section, fences, walls, berms, and retaining walls are all considered to be freestanding elements that are not structural elements of a building.
- B. **Applicability.** Unless otherwise specified in this section, fences and walls, whether required by this Code or optional, shall require a zoning permit unless otherwise permitted through building permits, or unless otherwise stated below.
1. **Exceptions.** The following do not require a permit:
 - a. Internal garden area fences in residential districts. For the purpose of this section, an internal garden fence is one that is five (5) feet or more from property lines and is less than four (4) feet in height and serves the purpose of protecting garden areas from animals.
- C. **Design Alternatives.** Consistent with Section 1.11: Design Alternatives, design alternatives may be considered for the following design elements within this section: building materials, breaks and openings in fences and walls, side and rear fence and wall heights for residential districts, all fence and wall heights for nonresidential and planned districts, and berm design standards. The purpose of the design alternative may be any of the following:
1. To allow an establishment with uses that require high fences to protect public safety.
 2. To allow a use needing additional height to meet or exceed the compatibility standards.
 3. To allow recreation uses in which pedestrian or spectator safety cannot be guaranteed with a maximum fifteen (15) foot fence, and which may require heights greater than fifteen (15) feet.
 4. To allow for fencing materials similar in appearance to the materials used in the building(s) on the property.
 5. To allow for fencing materials that provide equal or greater protection and general appearance than the permitted materials.
 6. To allow for fencing materials more appropriate for uses near environmentally sensitive areas.
 7. To allow design options for, but not the removal of, required openings per Section 3.8.3.C.5: Breaks and Openings in Fences and Walls.

3.8.2. General Standards

- A.

Setbacks. Fences, walls, berms, and retaining walls may encroach into setbacks unless otherwise indicated in this section. However, a berm may not be constructed in a manner that any portion of the berm's slopes extend over the property line.

- B. **Right-of-Way.** No fence, wall or berm may encroach into a public right-of-way. Fences and walls shall not block any required ingress or egress point.
- C. **Visibility Triangles (Sight Distance).** No fence, wall, berm, or retaining wall may encroach into a designated visibility triangle for driveways or for the intersections of rights-of-way subject to Sections 3.1.8.F: Visibility Triangle.
- D. **Maintenance.** All fences, walls, berms, and retaining walls must be properly maintained consistent with the permit for which they were approved and meet property maintenance standards set forth in Chapter 88. Any damage or deterioration due to age, damage, neglect, or weather must be repaired.
- E. **Measurement of Height.**
 - 1. Height shall be measured from the existing natural grade upon which the structure to be measured sits. Where a grade change would result in a height greater than six (6) feet, fences may be installed to maintain a continuous straight edge along the top of the fence; however, such fence may be no taller than eight (8) feet above grade at any point.
 - 2. An additional maximum one (1) foot of height may be permitted for decorative details including posts, columns, and light fixtures.
- F. **Vacant Properties.** Fences and walls may be installed on vacant properties and properties with no active uses. Only open fences, as defined in Section 3.8.3.B., shall be permitted along a street frontage.

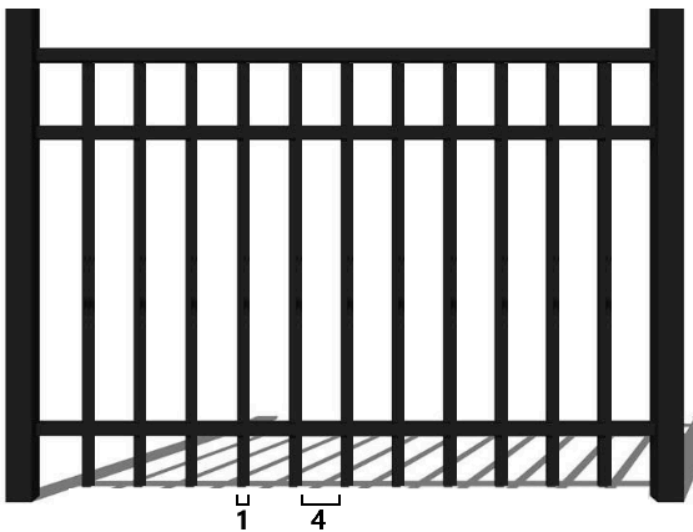
3.8.3 Fences and Walls Material and Design Standards

- A. **Finished Sides.** All fences and walls shall be installed with the finished side facing towards the exterior or adjoining properties and rights-of-way.
- B. **Design.** Fences and walls shall comply with the design requirements established for the zoning district (if applicable).
 - 1. **Fencing Materials.** Fences and walls must be constructed of concrete, concrete block, brick, wood, decorative metal (aluminum, iron or steel), or vinyl materials. Where there is a conflict, the standards of Section 7: Historic Architectural Preservation Controls and Standards, shall prevail. Unless required by law, no fence or wall may be constructed of non-traditional or dangerous fence or wall materials including, but not limited to, barbed wire, razor wire, scrap metal, railroad ties, or any other material determined by the Director to be detrimental to the

public health, safety and welfare. Nets, sheets, or slats made of fabrics plastic, metal, or vinyl may not be used as part of the fence nor may such materials be attached to a fence for the purpose of effecting privacy or required screening.

2. **Columns.** Solid support columns shall not be larger than sixteen (16) inches in width and length and shall be spaced eight (8) feet on center. Support columns are limited to six (6) feet in height, and may be topped with decorative elements for a total height of up to seven (7) feet.
3. **Chain Link and Similar.** Chain link, chicken wire, hardwire cloth and other woven or mesh products are not permitted in front yards in any district.
4. **Open Fences.** Open fences shall be defined as wood or metal picket, wrought iron, vinyl, or similar designs, with a solid to open ratio of not more than 1:4.

Figure 3.8.3. Open Fence Ratio 1:4 (Illustrative Example Only)



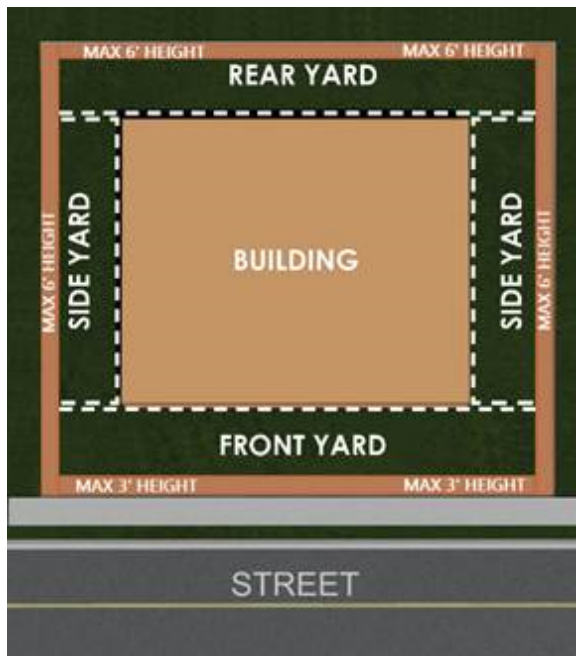
Solid to Open Ratio Not More Than 1:4

5. **Breaks and Openings in Fences and Walls.** Consistent with Intent OS 1.6 of the City's Comprehensive Plan and Chapter 89 of the LDC, no fence or wall shall exceed five hundred (500) continuous linear feet in length without providing for a break in the fencing or wall to allow for the movement of wildlife and connectivity of wildlife corridors, as applicable, subject to the following:
 - a. Wildlife breaks and openings shall be a minimum width of twenty-five (25) feet to allow for wildlife movement.
 - b. Wildlife breaks and openings may include plantings of trees, shrubs, and other ground coverings provided the plantings will not grow into a complete blockage of the opening.

3.8.4. Height of Fences and Walls

- A. **Fence Height Requirements for Residentially-Zoned Properties.** Fences and walls for residentially zoned properties, including residential properties within a PUD (unless otherwise regulated within the PUD zoning standards), that are not required walls or fences for perimeter compatibility requirements shall meet the following requirements:
1. **Front Setback Height.** Fences and walls in a front setback may be a maximum three (3) feet in height; open fences, as defined in Section 3.8.3.C.4, may be a maximum six (6) feet in height.
 2. **Side and Rear Setback Height.** Fences and walls in a rear or side setback may be a maximum six (6) feet in height.
 3. **Waterfront Setback Height.** Fences and walls in a waterfront setback may be a maximum four (4) feet in height, and must be open at a ratio of 1:4. Fences and walls in waterfront setbacks may connect to a seawall. Fences or walls in a waterfront setback that are not connected to a seawall shall not be higher than the top of the bank.

Figure 3.8.4. Fence Heights



- B. **Fence Height Requirements for Nonresidential-Zoned Properties and Mixed Use Districts.**
1. **Height.** Height requirements shall be as provided below:
 - a. **Height.** Fences and walls may be a maximum six (6) feet in height.
 - b. **IND and PID Zoning Districts.** Fences and walls may be a maximum eight (8) feet in height.
 - c. **State or Federal Agencies.** Fences and walls may exceed the height in Subsections a. and b. above, if required by state or federal agency requirements. Material and locational requirements of this section may not apply, but the fences and walls shall be landscaped.
 - d.

Recreation Uses. Fences surrounding recreation uses such as tennis, pickleball, or other outdoor courts may be a maximum fifteen (15) feet in height. These fences may be of chain link or similar open materials to allow for visibility into the recreational area.

e. **Refuse Collection Areas.** Fences and walls surrounding refuse collection areas shall be between six (6) feet and eight (8) feet in height.

C. **Mobile Home and Recreational Vehicle Parks.** Fences installed on the perimeter of mobile home and recreational vehicle parks shall comply with Section 2.2.2.C.

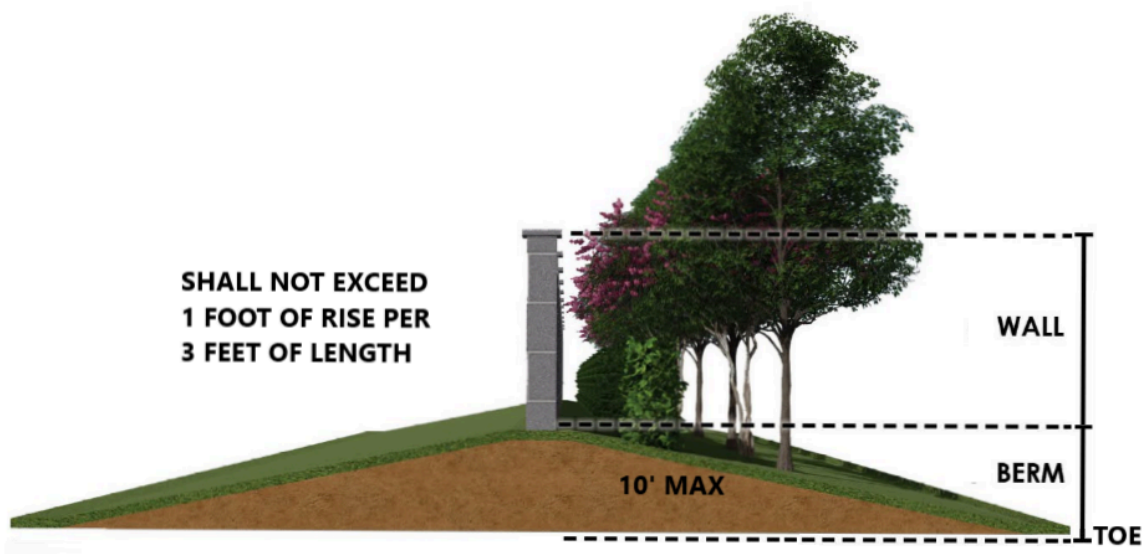
3.8.5. Berms, Retaining Walls and Slopes

A. **City Standard Details.** The latest version of the City of Venice Standard Details, General Notes and Testing Requirements, as amended, hereafter referred to as the "City Standard Details," shall be utilized for the permitting and construction of all berms, walls, and slopes as may be applicable. Where conflicts between this Code and the latest version of the City Standard Details exist, the City Standard Details shall apply.

B. **Design Standards.** Berms, retaining walls and slopes shall conform to the following standards:

1. **Berms.** Berms may be located in setbacks subject to the following:
 - a. Shall not exceed a grade of one (1) foot of rise in three (3) feet of length.
 - b. May also feature walls as permitted in Section 4: Compatibility of this LDC.
 - c. Shall be landscaped and shall meet all landscape requirements as required in Section 3.7: Landscaping.
 - d. Shall not exceed a total of ten (10) feet above the toe of the berm. The toe of the berm shall be defined as the base or bottom of a berm slope at the point where the ground surface abruptly changes to a significantly flatter grade.

Figure 3.8.5. Berms and Walls



2. **Retaining Walls.** In a residential zoning district, if a fence is installed on a retaining wall, the external height of the retaining wall shall count towards the height of the fence.
3. **Slopes.** Within all residential zoning districts, the grade of slope in any setback shall not exceed one foot of rise in four (4) feet of length.

(Ord. No. 2023-49, § 2, 12-12-23)

2.11. - Additional Environmental Considerations

2.11.1. Wellhead Protection

- A. **Purpose and Intent.** This section intends to preserve and ensure the availability and quality of safe drinking water in the City. The regulations in this section shall protect large capacity wells and aquifer recharge areas from potential contamination due to the proximity of specific uses.
- B. **Applicability.** This section shall apply to all non-residential and multifamily uses, and the expansion of any non-residential structure or impervious surface which falls within a Wellhead Protection Zone or within an aquifer recharge area as recognized in the City Comprehensive Plan.
- C. **Development Standards.**
 1. **Wellhead Protection Zones.** Wellhead Protection Zones shall be recognized as a radius of 500 feet from each public potable water wellhead possessing pumping capacities of at least one million gallons per day.
 2. **Prohibited Uses.** Prohibited uses and activities within the Wellhead Protection Zones shall include:
 - a. Mining/Resource Extraction;
 - b. Heavy Industrial;
 - c. Wastewater treatment plants;
 - d. Treatment, storage, disposal, and transfer facilities for hazardous wastes;
 - e. Chemical and hazardous material storage tanks;
 - f. Industrial wastewater;
 - g. Reuse water applications; and
 - h. New Class I through Class VI injection control wells.
 3. Any use listed below which resides within a Wellhead Protection Zone shall be subject to additional water monitoring/testing which may require installation of additional monitoring well(s) accessible by the City.
 - a. Light Industrial and Advanced Manufacturing;
 - b. Research and Development;
 - c. Major Vehicle Service;

- d. Minor Vehicle Service;
- e. Car Wash;
- f. Convenience Store With Fueling Stations.

2.11.2. Pollutants and Hazardous Substances Review Requirements

- A. **Purpose and Intent.** All new development and redevelopment shall require a narrative addressing the potential ground contaminants through prior uses of the property that could result in adverse health impacts for humans and the environment.
- B. **Pollutant and Hazardous Substance Review Plan.** Past agricultural uses involving chemicals, industrial sites that may have produced or harbored hazardous waste, or sites where potentially contaminated fill or underground storage or facilities which were regulated as hazardous waste generators under the Resource Conservation Recovery Act (RCRA) was placed, will require the following:
 - 1. An Environmental Audit of the property;
 - 2. A narrative of measures needed to remediate any condition of environmental concern if required by the Florida Department of Environmental Protection;
 - 3. Soil and/or ground water sampling at the time of site and development plan or preliminary plat; and
 - 4. Phase I or Phase II Environmental Site Assessment Report including any preliminary contamination assessment plans or reports.

2.11.3. Coastal Construction Control Line

- A. **Buildings and Structures Seaward of the Coastal Construction Control Line.** If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a special flood hazard area:
 - 1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
 - 2. Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of Chapter 88 of this code and ASCE 24.

2.11.4. Construction or Excavation Seaward of the Gulf-Beach Setback Line

- A. **Purpose and Intent.** No construction or excavation shall be undertaken within the shoreline hazard area, which is defined as the area seaward of the Gulf-Beach Setback Line. This prohibition is intended to:
 - 1.

Protect the coastal areas of the City directly exposed to the Gulf of Mexico from erosion and flooding;

2. Minimize future public expenditures for flood and erosion control measures;
3. Minimize future public expenditures for relief and/or restoration of projects following natural disasters or gradual erosion;
4. Ensure public access along the public beaches of the Gulf of Mexico;
5. Minimize erosion damage to adjacent property resulting from manmade structures;
6. Protect beaches, beachfront dunes, beachfront bluffs, and beachfront vegetation necessary for maintaining shoreline stability; and
7. Ensure that coastal property and coastal waters retain their economic recreational and aesthetic value for coastal property owners and the general public.

B. **Exceptions.** The following exceptions will be considered if proof of receipt of the applicable State and Federal permits or exemptions is provided to the City prior to commencement of construction activity:

1. This prohibition on construction or excavation seaward of the Gulf-Beach Setback Line shall not apply to any modification, maintenance or repair of any existing structure; provided, however, that such modification, maintenance or repair is undertaken within the limits of the existing structure and does not require, involve or include any additions to, or repair or modification of, the existing foundation of that structure. The Building Official may authorize a modification or repair involving seawalls or additions and enclosures below the first dwelling floor or lowest deck of the existing structure upon receipt of an application from the owner of the property and upon the consideration of facts and circumstances, including adequate engineering data concerning shoreline stability and storm tides related to shoreline topography, design features of the proposed structures or activities, and potential impacts of the location of the structures, including effects upon the beach-dune system, which, in the opinion of the building official, clearly justify such a permit. State permission or approved exemption must be provided to the city prior to construction or excavation seaward of the Gulf-Beach Setback Line.
2. Catwalks, stairs, footbridges, decks and other such similar structures designed to protect the dunes and beach vegetation while providing access to the beach may be constructed seaward of the Gulf-Beach Setback Line subject to all other applicable regulations. State permission or approved exemption must be provided to the City prior to construction of catwalks, stairs, footbridges, decks and other such similar structures prior to issuance of building permit.
3. The provisions of this subsection may be temporarily waived by the City Manager where an emergency is declared to exist. In this instance, the City Manager may authorize fill, temporary construction, excavation or any other action deemed necessary to protect life or property.

(Ord. No. 2022-15, § 3(Exh. D), 7-12-22)