

**CITY OF PALMETTO  
ORDINANCE NO. 2018-03**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, SUBSTANTIALLY AMENDING AND REPLACING CHAPTER 7, ARTICLE VIII, SECTIONS 7-181 THROUGH 7-188 OF THE PALMETTO CITY CODE OF ORDINANCES REGULATING FENCES; PROVIDING REGULATIONS FOR FENCES IN RESIDENTIAL AND COMMERCIAL DISTRICTS; PROVIDING FOR EXISTING NON-CONFORMING FENCES; PROVIDING FOR MEASUREMENT OF FENCE HEIGHT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Ordinance Nos: 391, 401, 453, and 455 subsequently codified as Chapter 7, Article VIII, Sections 7-181 through 7-188 of the Palmetto City Code of Ordinances regulating the erection and maintenance of fences in the City were adopted in 1990 and 1991, and have not been updated in the last 26 years; and

**WHEREAS**, it is the intention of this Ordinance to substantially amend and replace these Code sections to provide updated comprehensive fence regulations which protect the aesthetic integrity of both commercial property and residential neighborhoods while preserving an individual's right to privacy and security; and

**WHEREAS**, the City Commission of the City of Palmetto has certain regulatory authority granted to it by the Florida Constitution, the Florida Statutes and the City Charter to regulate the use of land within its corporate boundaries; and

**WHEREAS**, the Planning and Zoning Board has reviewed the proposed Ordinance amendment, held a properly noticed public hearing on April 26, 2018, received public comment and testimony, and provided its recommendation to the City Commission of the City of Palmetto; and

**WHEREAS**, the City Commission of the City of Palmetto held legally appropriate properly noticed public hearings on May 7, 2018 and May 21, 2018, and received public comment and testimony at said hearings; and

**WHEREAS**, the City Commission of the City of Palmetto finds that approval of this Ordinance will serve the best interests of its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Article VIII, Sections 7-181 through 7-188 of the City of Palmetto Code of Ordinances are substantially rewritten and amended as follows:

**Sec. 7-181. Definitions.**

1. **Fence** means a free-standing structure made of metal, masonry, composition, wood, cord, cable, chain link or other similar material rising above ground level and used for confinement, screening, partition, or ornamental purposes.

2. **Height** means the distance from any point of natural ground level perpendicularly to the highest edge of the fence. The height of all gates, fences or walls located at a common property line shall be measured and averaged at regular intervals on both sides of the property line. Where not located on a common property line, the measurements shall be taken at regular intervals on the exterior of the gate, fence, or wall. The final height shall be determined by averaging the dimensions obtained from the measured interval averages. The measured interval distances shall typically be eight (8) feet. Berms, when used in conjunction with fences or walls, shall be included in height determinations. Support poles, columns, and decorative lights may exceed the height limitations by not more than three (3) feet. Gates may exceed the height limitations by not more than two (2) feet.

**3. *Unsafe Fence*** means:

(a) A dilapidated, deteriorated or decayed fence which, by reason of inadequate maintenance, obsolescence or abandonment, poses a risk to human safety or property, or is no longer adequate to serve the purpose for which it was originally intended; or

(b) A fence which, due to the manner of its construction or the materials used in its construction, poses a risk to human safety or property; or

**4. *Visibility Triangle*** means the area of property located at the intersection of two (2) streets formed by a triangle constructed with two (2), thirty (30) foot lengths adjacent to the subject rights-of-way and the third side of the triangle formed by connecting the terminal points of the two (2), thirty (30) foot sides as further described and depicted in the Palmetto Code of Ordinances, Appendix B, Article V, Section 5.4. No fence, structure or vegetation is allowed between the heights of two and one-half (2.5) feet and eight (8) feet to be located in said triangle.

**Sec. 7-182. Permit Required.**

No fence or wall shall be erected until a building permit is obtained. A sketch or design of the proposed fence including a description of materials to be used, specification of height, and a survey depicting the desired location shall be submitted with the application for a permit. In no case, however, shall a fence be erected beyond the boundaries of the parcel as identified in the survey.

**Sec. 7-183. Prohibited Locations.**

No fence or wall of any type shall be erected and no building permit shall be issued for the erection of a fence or wall on a street or road right-of-way within the City. No permit shall be issued for the erection of a fence or wall on any utility easement unless permanent access the width of the easement is provided by the landowner, at the sole expense of such landowner, to

such utilities for purposes of testing, repairs and equipment replacement. In the event a utility must subsequently utilize the easement for testing, repairs or equipment replacement, requiring the fence to be moved or removed, or otherwise resulting in damage to such fence or wall, all costs associated with moving or removing such fence or wall to provide access to the utility as well as all costs of repair to or replacement of such fence or wall shall be borne exclusively by the landowner.

**Sec. 7-184. General Requirements.**

Fences and walls shall also be subject to the following requirements:

1. In any residentially zoned district, the overall average height of any fence or wall shall be six (6) feet in height in side and rear yards only. For corner lots, this shall also include the yard(s) not abutting the street providing primary access to the lot. Otherwise, no fence in excess of four (4) feet overall average height shall be permitted in any front yard except as part of a continuous buffer wall for a planned development, subdivision or phase thereof along collector and arterial street right-of-way lines and at subdivision entrances along private street right-of-way lines.
2. Electrified fences, razor wire, barbed wire, corrugated metal, sheet aluminum, or similar materials shall not be permitted in any residential districts, provided that fences on property being used primarily for agriculture purposes at the date of adoption of this Ordinance shall be exempt herefrom, and such fences may be repaired or replaced with the same variety of fence so long as the property remains in the agricultural use. In no case, however, shall razor wire be used.
3. In any commercial or industrially zoned districts, or on property zoned PD or MHP and specifically designated as recreation or community centers, gates, fences, or walls shall

not exceed eight (8) feet in overall average height in any yard. When used for security purposes, barbed wire may be used in commercial or industrial zoning districts when attached to gates, fences, or walls. Such barbed wire shall be a minimum of six (6) feet above-ground as measured from the ground and shall not be included in calculating the height of the gate, fence, or wall. No barbed wire shall be used on property abutting a residentially zoned district. The use of razor wire is prohibited.

4. In any zoning district, no fence or wall shall be installed on any public or private right-of-way used as a street, road, highway, or easement for ingress and egress, except as part of a subdivision entrance on a private street, or as otherwise permitted by the City. In addition, no fence or portion thereof shall be erected so as to obstruct the clear site triangle or to otherwise obstruct vehicular traffic. Additionally, fences, gates, and walls shall be constructed in such a manner so as not to interfere with drainage and utilities. Each fence or wall erected pursuant to this Ordinance shall be of uniform construction and appearance, and kept properly maintained. In no event shall a fence or wall be erected or maintained in such a state of disrepair so as to pose a hazard to the community. In any zoning district, the finished side of the gate, fence, or wall shall face the adjoining lot and/or right-of-way.
5. In the event fifty percent (50%) or more of a nonconforming fence or wall is destroyed or removed, whether by natural causes or otherwise, then such replacement fence or wall must be erected in conformance with the requirements of this Ordinance.
6. Any fence or wall located in the *Downtown Core* shall be further subject to all regulations and requirements as set forth in Section 4.4 of Appendix "B" of the Palmetto Code of Ordinances, as subsequently amended.

**SECTION 2. Repeal of Ordinances in Conflict.** This Ordinance hereby repeals and replaces any Ordinances in conflict.

**SECTION 3. Severability.** If any section, sub-section, paragraph, sentence, clause or phrase in this Ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions hereof.

**SECTION 4. Effective Date.** This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor, or, if the Mayor vetoes the Ordinance, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

**PASSED AND DULY ADOPTED,** by the City Commission, in open session, with a quorum present and voting, this 21st day of May, 2018.

First Reading: April 16, 2018  
Publication: April 3, 2018 and May 11, 2018  
Second Reading and  
Public Hearings: May 7, 2018 and May 21, 2018

CITY OF PALMETTO, FLORIDA, BY  
AND THROUGH THE CITY  
COMMISSION OF THE CITY OF  
PALMETTO  
By: Shirley Groover Bryant  
SHIRLEY GROOVER BRYANT, MAYOR

ATTEST: James R. Freeman  
City Clerk  
By: James R. Freeman  
City Clerk/Deputy Clerk

# BRADENTON HERALD

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Bradenton Herald  
Published Daily  
Bradenton, Manatee County, Florida

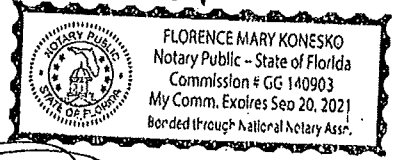
STATE OF FLORIDA  
COUNTY OF MANATEE

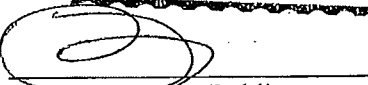
Before the undersigned authority personally appeared Donna Stults, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of Notice of Hearing, was published in said newspaper in the issue(s) of 04/03/2018.

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

  
(Signature of Affiant)

Sworn to and subscribed before me this  
3 Day of April, 2018



  
SEAL & Notary Public  
Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

City Clerk at 941-723-4570, FAX 941-723-4576 or email [jfreeman@palmettofl.org](mailto:jfreeman@palmettofl.org) or [ALaRowe@palmettofl.org](mailto:ALaRowe@palmettofl.org). For more information regarding the Ordinance Amendment, contact Karla Owens at 941-723-4580, or [kowens@palmettofl.org](mailto:kowens@palmettofl.org), or access the meeting agenda and accompanying documents on the City of Palmetto website at [palmettofl.org](http://palmettofl.org), 4/3/2018.

## NOTICE OF HEARING CITY OF PALMETTO

HEARINGS MAY BE  
CONTINUED FROM  
TIME TO TIME

The City of Palmetto Planning and Zoning Board will hold a Public Hearing on Thursday, April 26, 2018 at 5:30 PM; and the City Commission will hold a Public Hearing on May 7, 2018 at 7:00 PM, both meetings will be held in the Palmetto City Hall Chambers, located at 516 8th Ave W, Palmetto, FL, to consider the following Ordinances:

### CITY OF PALMETTO ORDINANCE NO. 2018-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, SUBSTANTIALLY AMENDING AND REPLACING CHAPTER 7, ARTICLE II, SECTIONS 7-181 THROUGH 7-188 OF THE PALMETTO CITY CODE OF ORDINANCES REGULATING FENCES; PROVIDING REGULATIONS FOR FENCES IN RESIDENTIAL AND COMMERCIAL DISTRICTS; PROVIDING FOR EXISTING NONCONFORMING FENCES; PROVIDING FOR MEASUREMENT OF FENCE HEIGHT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

### CITY OF PALMETTO ORDINANCE NO. 2018-04

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING AND SUBSTANTIALLY REWRITING CHAPTER 18, ARTICLE I, SECTIONS 18-1 THROUGH 18-6 REGULATING JUNKED, WRECKED AND/OR ABANDONED VEHICLES; PROVIDING FOR PURPOSE AND DEFINITIONS; PROHIBITING STORAGE ON PRIVATE OR PUBLIC PROPERTY; PROVIDING FOR EVIDENCE AND CRITERIA TO DETERMINE AN ABANDONED OR DERELICT VEHICLE; PROVIDING FOR ENFORCEMENT PROCEDURES AND FOR RESPONSIBILITY FOR VEHICLE OWNERSHIP; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

The Public Hearing may be continued until final action is taken. All interested persons are invited to appear and be heard. Written comments filed at City Hall will be heard and considered. If any person desires to appeal any decision of the City Commission or any other Board of the City, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Handicapped individuals may receive special accommodation in services on 48 hours' notice (Fla. Stat. 286.26). Anyone requiring reasonable accommodation for this meeting, as provided for in the American with Disabilities Act, should contact the

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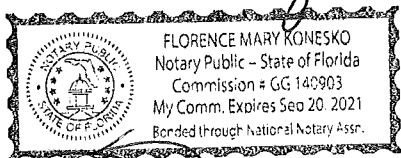
STATE OF FLORIDA  
COUNTY OF MANATEE

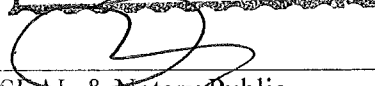
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(Signature of Affiant)

Sworn to and subscribed before me this  
16 Day of May, 2018



  
SEAL & Notary Public  
Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

## NOTICE OF HEARING CITY OF PALMETTO

HEARINGS MAY BE  
CONTINUED FROM  
TIME TO TIME

The City Commission will hold a second Public Hearing on May 21, 2018 at 7:00 PM, which will be held in the Palmetto City Hall Chambers, located at 516 8th Ave W, Palmetto, FL., to consider the following Ordinance:

### CITY OF PALMETTO ORDINANCE NO. 2018-03

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, SUBSTANTIALLY AMENDING AND REPLACING CHAPTER 7, ARTICLE II, SECTIONS 7-181**

**THROUGH 7-188 OF THE PALMETTO CITY CODE OF ORDINANCES REGULATING FENCES; PROVIDING REGULATIONS FOR FENCES IN RESIDENTIAL AND COMMERCIAL DISTRICTS; PROVIDING FOR EXISTING NONCONFORMING FENCES; PROVIDING FOR MEASUREMENT OF FENCE HEIGHT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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contact Karla Owens at 941-723-4580, or [kowens@palmettofl.org](mailto:kowens@palmettofl.org), or access the meeting agenda and accompanying documents on the City of Palmetto website at [palmettofl.org](http://palmettofl.org).  
**5/11/2018**