

AN ORDINANCE AMENDING ORDINANCE 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, BY AMENDING SECTION 8.33 (FENCES) BY REDUCING FENCE HEIGHTS ALONG WATERFRONT YARDS; BY ALLOWING FENCES AS A PRINCIPAL STRUCTURE; BY DETERMINING HOW THE HEIGHT OF A FENCE IS MEASURED, PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida:

SECTION ONE:

Section 8.33 of the Zoning Ordinance of Collier County, Ordinance 82-2 is hereby amended to read as follows:

a. Fences Residential:

- (1) In any residential district no closed wall or fence shall be erected or maintained within twenty (20) feet from the corner intersection of street right of way.
- (2) ~~Fences or walls outside of the building line shall be limited to a maximum height of six (6) feet from finished grader~~

Fences or walls outside of the building line shall be limited to a maximum height of six (6) feet except that walls or fences located outside the building line on waterfront lots of one (1) acre or less shall be limited to a height of four (4) feet where such fence, or wall adjoins, is placed parallel to, or is adjacent to a canal or waterway. The height of any fence or wall placed in a side yard shall be reduced from six (6) feet to four (4) feet starting at the required rear setback line and shall remain at a maximum height of four (4) feet in all areas adjacent to the canal or waterway. (SEE FIGURE 1)

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- (3) No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected in any residential area or district, except that the Board of Zoning Appeals may allow the use of barbed wire in conjunction with chain link fencing where it finds a security need, i.e., around hazards, utility substations, sewage treatment plants, etc.
- (4) Fences shall be treated as a structure for building permit purposes, and a permit shall be obtained prior to erection.
- (5) Fences shall be permitted uses in all residential districts.

b. Fences in Non-Residential Districts.

WORDS UNDERLINED ARE ADDITIONS; WORDS STRUCK-THROUGH ARE DELETIONS.

- (1) Fences involving agricultural purposes are exempt from height and type of construction.
- (2) Fences in commercial and industrial districts are limited to eight (8) feet in height with restriction to be lifted if an extreme emergency exists.
- (3) All fences shall be of sound, sturdy construction and not detract from the neighborhood.
- (4) Barbed wire is authorized in all non-residential district.
- (5) No fence shall block the view of passing motorists or pedestrians so as to constitute a hazard.
- (6) Fences shall be permitted uses in all non-residential districts.

c. Fence Height Measurements For All District.

The height of a fence or wall located outside of the Building Line shall be measured from the ground level at the fence location. However, if the Zoning Director determines that the ground level has been altered so as to provide for a higher fence, then the Zoning Director shall determine the ground level for purposes of measuring the fence height.

In determining whether the ground level has been altered for the purpose of increasing the height of the fence, the Zoning Director may consider, but is not limited to, consideration of the following facts:

- (1) general ground elevation of the entire lot;
- (2) in the case of a lot with varying ground elevations, the ground elevation at the fence location and at points in the vicinity of the fence location;
- (3) the ground elevation on both sides of the fence location.

In measuring the fence height, the ground elevation on the side of the fence location that is at the lowest elevation shall be used as the point from which the fence height is to be measured.

SECTION TWO:

This Ordinance shall become effective upon notice that it has been received by the Office of the Secretary of State.

DATE: January 10, 1984

ATTEST:
WILLIAM J. REAGAN, CLERK

By: William J. Reagan

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: *David C. Brown*
DAVID C. BROWN, CHAIRMAN

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Kenneth A. Taylor
ASST. COUNTY ATTORNEY

BOOK 018 PAGE 10

WORDS UNDERLINED ARE ADDITIONS; WORDS ~~STRUCK-THROUGH~~ ARE DELETIONS.

Fence Ordinance

This ordinance filed with the Secretary of State's Office the 16th day of January, 1984 and acknowledgement of that filing received this 19th day of January, 1984.

BY: *David C. Brown* Deputy Clerk

STATE OF FLORIDA)
COUNTY OF COLLIER)

I, WILLIAM J. REAGAN, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true original of:

ORDINANCE NO. 84-5

which was adopted by the Board of County Commissioners during Regular Session the 10th day of January, 1984.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 11th day of January, 1984.

WILLIAM J. REAGAN
Clerk of Courts and Clerk
Ex-Officio to Board of
County Commissioners

By Virginia Magri
Virginia Magri
Deputy Clerk

FENCES ON CANAL OR WATERFRONT LOTS

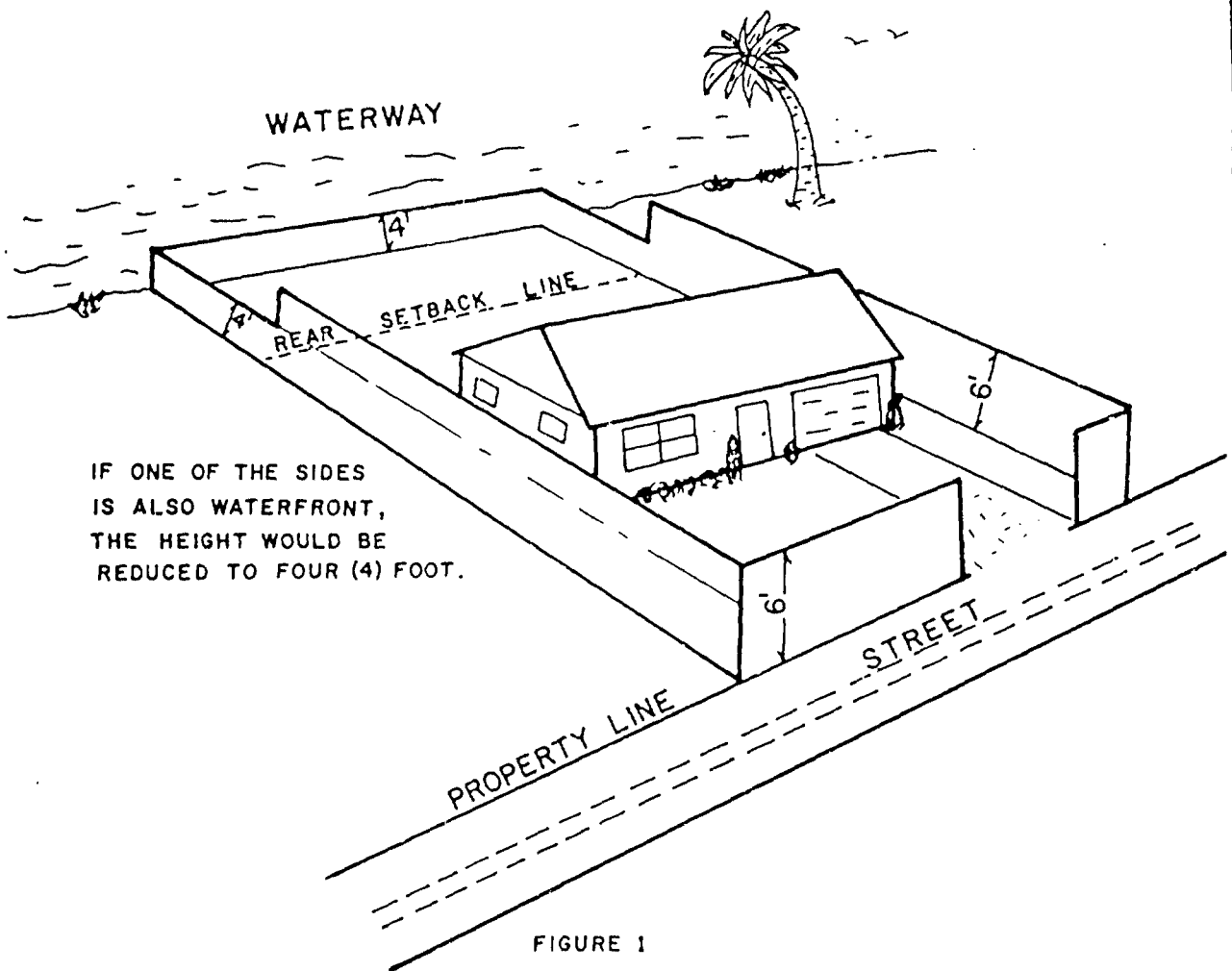


FIGURE 1