

ORDINANCE NO. 2025-82

AN ORDINANCE OF THE TOWN COUNCIL OF HORSESHOE BEACH, FLORIDA, HAVING HELD THE REQUIRED PUBLIC HEARINGS AND PASSED THIS ORDINANCE ON FIRST AND SECOND READING TO AMEND THE REGULATION ON FENCING IN THE TOWN OF HORSESHOE BEACH, FLORIDA AND CONSIDERED THE RESOLUTION NO. 2025-86 OF THE LOCAL PLANNING AGENCY, WHICH RECOMMENDED THE AMENDMENT OF SECTION 2.08.12 OF THE LAND DEVELOPMENT REGULATIONS. RE: FENCING IN HORSESHOE BEACH, WALLS AND HEDGES, OBSTRUCTION OF VIEW. SAID SECTION 2.08.12 IS AMENDED.

WHEREAS, Chapter 166, Florida Statutes, empowers the Town Council of the Town of Horseshoe Beach to prepare and enforce Land Development Regulations to implement the Comprehensive Plan of the Town; and

WHEREAS, Section 163.3202 Florida Statutes, the Local Government Comprehensive Planning and Land Development and Regulation Act, empowers and requires the Town to prepare and adopt Land Development Regulations which implement the Town's Comprehensive Plan, for the subdivision of land, use of land and water, areas subject to seasonal and periodic flooding, protection of environmentally sensitive lands designation in the Town's Comprehensive Plan a signage, provisions for the protection of potable water wellfields, drainage and stormwater management, ensuring that public facilities and services meet or exceed the standards established in the Capital Improvements Element of the Town's Comprehensive Plan and are available when needed for development and provisions for ensuring safe and convenient onsite traffic flow and considering needed vehicle parking; and establishment of administrative mechanisms and procedures to carry out the provisions and purposes of the land development regulations; and

WHEREAS, the Local Planning Agency held the required public hearing having been duly advertised; and

WHEREAS, pursuant to Section 163.3174 Florida Statutes, the Local Planning Agency held the required public hearing on the Land Development Regulation, to-wit: Section 2.08.12 Fences, Walls and Hedges – Obstruction of View to amend that Section, and having heard from the public and the recommendations; and

WHEREAS, the Local Planning Agency has determined that it should make a recommendation to the Town Council of Horseshoe Beach to amend the above Section 2.08.12 of the Horseshoe Beach Land Development Code (Recalculations).

WHEREAS, the Town Council has considered the Local Planning Agencies recommendations, and

WHEREAS, the Town Council has advertised and has had two (2) hearings on this Ordinance and heard from the public.

WHEREAS, the Town Council finds that it is in the best interest of the Town of Horseshoe Beach and its citizens to amend Section 2.08.12 of the Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE HORSESHOE BEACH TOWN COUNCIL OF HORSESHOE BEACH, FLORIDA, AS FOLLOWS:

1. That Section 2.08.12 Obstruction of Sign does provide:

Fences, Walls and Hedges – Fences, Walls and Hedges may be permitted in any required yard or along the edge of any yard; provided that no solid fence, solid wall, or hedge located on any road frontage on any section of said property shall constitute an obstruction of the adjacent street.

The following fence types are allowed: chain link (unslatted), rope and post, hog and cattle, split rail open board fences.

Barbed Wire fences are prohibited.

Open style fence locations must be at least 4' feet from any road edge and must be on owners' property. Fences cannot be on Town right of way easements.

Solid Fences and Hedges shall follow the following requirements for visibility.

Solid Fences – The direct line of sight around corners is simpler to provide a solid fence you need to stop it back 4 feet from the edge of the road within owners property and 45 degrees to connect to the adjacent fence to allow the corner traffic to have a clear line of sight around the corner.

General standards. Sight visibility triangles are designated areas located near streets and/or driveway intersections that shall be free from visual obstruction in order to maintain safe visibility for vehicles, bicyclists, and pedestrians. All property shall maintain sight visibility triangles as described in this section.

Sight visibility triangles shall be provided on all corners at the intersection of any public or private street with another street, an alley or a driveway; and, on all corners of the intersection of an alley and driveway.

Within sight visibility triangles, unobstructed sight lines and cross visibility shall be maintained between a height of three feet and eight feet.

No structure, object, and/or vegetation shall be placed and/or maintained in a manner which materially impedes the visibility from a street, alley or driveway of lawfully oncoming traffic from any direction in the intersecting public street.

Sight visibility triangle at the intersection of two streets. Intersection of an alley and a street, a street and a driveway, and/or alley and a driveway. The triangle is formed on both sides of the alley and driveway with two sides of each triangle being ten feet in length along the abutting street and/or alley rights-of-way lines, measured from their point of intersection, illustrated by the letter "A" on diagram below, and the third side being a line connecting the ends of the other two sides, illustrated by the letter "C" on the diagram below.

2. See attached diagram.
3. Exemptions. The following exemptions may apply to sight visibility standards.

Transparent fences including chain link, wrought iron, and similar styles may be exempt so long as visibility is maintained through the fence.

Governmental signage and governmental signposts in the right-of-way.

Fire hydrants, benches, and traffic control devices in the right-of-way.

Utility poles and one utility transmission or control device in the right-of-way.

4. Severability. If any provision or portion of this Ordinance, adopted by the Town Council is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance, adopted by the Town Council shall remain in full force and effect.
5. Effective Date. This Ordinance shall become effective upon final hearing and approval by the Town Council of the Town of Horseshoe Beach, Florida.

PASSED on first reading after reading in full this ____ day of _____, 2025.

PASSED on second reading by title only on this ____ day of _____, 2025.

TOWN OF HORSESHOE BEACH, FLORIDA

JEFF WILLIAMS, MAYOR

ATTEST:

NIKKI SELPH, Town Clerk