

1
2
3 **ORDINANCE NO. 2019-03**

4 AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF
5 NORTH PALM BEACH, FLORIDA, AMENDING ARTICLE III, "DISTRICT
6 REGULATIONS," OF CHAPTER 45 (APPENDIX C), "ZONING," OF THE
7 VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 45-36 TO
8 CLARIFY AND AMEND THE PROVISIONS RELATING TO THE HEIGHT
9 OF WALLS AND FENCES ON RESIDENTIAL CORNER LOTS; PROVIDING
10 FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING
11 FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

12 WHEREAS, Section 45-36(D) of the Village Code of Ordinances regulates the height of walls
13 and fences within the Village; and

14
15 WHEREAS, Section 45-36(D) currently provides that "on corner lots, walls or fences shall not
16 exceed four feet in height within the area between the side line of the lot which fronts on a street,
17 and the front setback line extended on the adjacent side street lot;" and

18
19 WHEREAS, in 2009, the Zoning Board of Adjustment interpreted this provision to mean that the
20 four-foot limitation only applied where the side yard of one lot was adjacent to the front yard of
21 an abutting lot and not "where two corner lots are 'back-to-back' with no access points
22 (driveways) on side yards;" and

23
24 WHEREAS, having balanced the interests of privacy and aesthetics, the Village Council wishes to
25 clarify and amend the Village Code provisions regulating the height of fences on corner lots; and

26
27 WHEREAS, the Planning Commission considered the proposed Ordinance at a duly advertised
28 public hearing and forwarded its recommendation to the Village Council; and

29
30 WHEREAS, the Village Council determines that the adoption of this Ordinance promotes the
31 health, safety and welfare of the residents of the Village of North Palm Beach.

32
33 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE
34 OF NORTH PALM BEACH, FLORIDA as follows:

35
36 Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.

37
38 Section 2. The Village Council hereby amends Article III, "District Regulations," of Chapter 45
39 (Appendix C), "Zoning," of the Village Code of Ordinances by amending Section 45-36 to read
40 as follows:

41
42 **Sec. 45-36. General Provisions.**

43
44 * * *

1 D. Walls and fences built within the area between the property line and the building
2 setback line shall not exceed six (6) feet in height; provided, however, that no
3 walls or fences may be erected between the required front yard setback and the
4 front property street line except as provided in subsection D-2 below, nor may
5 walls or fences exceed four (4) feet in height for a distance of forty (40) feet from
6 any body of water located within the village. On corner lots, walls or fences shall
7 not exceed four (4) feet in height ~~within the area between the side line of the lot~~
8 ~~which fronts on a street, and the front building setback line extended of the~~
9 ~~adjacent side street lot~~ for a distance of twenty (20) feet from the side property
10 line, subject to the following:

11
12 a. No wall or fence shall be located within three (3) feet of the side property
13 line; and

14
15 b. For properties where the rear yard of the lot abuts the rear yard of an
16 adjacent lot, a six (6) foot fence may be located ten (10) feet from the side
17 property line provided that a continuous row of landscaping, in the form of
18 shrubs or hedges at least four (4) feet tall at planting, is provided along the
19 entire section of the wall or fence facing the side street.

20
21 On all building permits for walls or fences greater than four (4) feet in height that
22 are to be located outside building setback lines, there shall be a prominent notice
23 that a village building permit in no way offsets the deed covenants, and that the
24 applicant should also check the deed covenants to protect himself.

25
26 * * *

27
28 D-2 Where a parcel within a residential zoning district abuts a parcel within a
29 commercial or industrial zoning district, a wall or fence not exceeding six (6) feet
30 in height may be erected along the side property line between the front yard
31 setback and the street line provided that such wall or fence is set back at least
32 three (3) feet from the front property line or as otherwise required to comply with
33 the sight triangle and clear zone requirements of the Florida Department of
34 Transportation's Manual of Uniform Minimum Standards for Design,
35 Construction, and Maintenance of Streets and Highways, whichever is greater.

36
37 * * *

38
39 Section 3. The provisions of this Ordinance shall become and be made a part of the Code of
40 the Village of North Palm Beach, Florida.

41
42 Section 4. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for
43 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void,
44 such holding shall not affect the remainder of this Ordinance.

1 Section 5. All ordinances or parts of ordinances and resolutions or parts of resolutions in
2 conflict herewith are hereby repealed to the extent of such conflict.

3
4 Section 6. This Ordinance shall take effect immediately upon adoption.

5
6 PLACED ON FIRST READING THIS 25TH DAY OF APRIL, 2019.

7
8 PLACED ON SECOND, FINAL READING AND PASSED THIS ____ DAY OF
9 _____, 2019.

10
11
12
13 (Village Seal)

MAYOR

14
15
16 ATTEST:

17
18 _____
19 VILLAGE CLERK

20
21
22 APPROVED AS TO FORM AND
23 LEGAL SUFFICIENCY:

24
25 _____
26 VILLAGE ATTORNEY