



Agenda Item # R - 5

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

PUBLIC HEARING FOR SECOND READING AND ADOPTION OF ORDINANCE NUMBER 822 AMENDING CHAPTER 9. FENCES, HEDGES, AND WALLS AT SUBSECTION 9-02 AND SUBSECTION 9-4 TO PROVIDE FOR ADDITIONAL REGULATIONS ON FENCING MATERIALS, APPEARANCE AND MAINTENANCE: BY BRADFORD O'BRIEN, SENIOR PLANNER.

Issue:

The purpose of amending Village Code Section 09-02 is to allow a new construction material for fences to allow: rot-resistant treated wood; or a man-made composite material manufactured to appear wood-like. Also amending and restating the maintenance responsibilities and aesthetic requirements for fences and are as follows:

1. Maintenance:

- a. replacing any rotten wood;
- b. ensuring that the fence does not sag or tilt from an upright position; and,
- c. keeping the fence free of stains and/or graffiti.

2. Color: Wood fences shall be painted on both side in a color which is harmonious and complimentary to the color of the residence or main structure. Wood fences constructed from a rot-resistant treated wood or from a man-made composite wood-like material are not required to be painted if these fencing materials are designed to naturally weather in color or if painting such materials would not be effective due to the incompatibility of paint with treated nature of the material, as determined by the building official.

This item was considered by Village Council for first reading at its regular meeting on November 19, 2009 and received a recommendation for approval by a vote of 5 to 0.

Recommended Action:

Adoption of Ordinance 822 on second reading as written.

Initiator:	Village Manager Approval	Agenda Date	Village Council Action
Senior Planner		12-3-09	

ORDINANCE NO. 822

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 9. FENCES, HEDGES AND WALLS. TO PROVIDE FOR CERTAIN TECHNICAL AND AESTHETIC UPDATES TO THE REGULATIONS CONCERNING FENCE, HEDGE OR WALL INSTALLATION; SPECIFICALLY REPEALING SEC. 9-2. AND READOPTING IT TO PROVIDE FOR ADDITIONAL TYPES OF PERMITTED FENCING MATERIAL; REPEALING SEC. 9-4. AND RE-ADOPTING IT TO PROVIDE FOR ADDITIONAL REGULATIONS ON FENCE APPEARANCE AND MAINTENANCE; PROVIDING THAT EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 9. FENCES, HEDGES AND WALLS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council of the Village of Royal Palm Beach provides for the regulations for the installation of fences, hedges and walls at Chapter 9. of the Code of Ordinances; and

WHEREAS, the Village Council desires to update Chapter 9. in order to revise certain regulations regarding the appearance and installation of fences, hedges and walls within the Village; and

WHEREAS, the Village Council believes this amendment to its Code of Ordinances to be in the best interests of the health, safety and welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 9. Fences, Hedges and Walls. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Sec. 9-2. MaterialsCGenerally. by repealing this Section and readopting it to read as follows:

Sec. 9-2. MaterialsCGenerally.

Except as may be otherwise provided in this chapter, walls or fences may be constructed of the following materials: coral rock; concrete block stuccoed on both sides with concrete cap; slum or

adobe brick; precast concrete; chain link wire; cedar; bamboo; cypress; ~~or~~ redwood; rot-resistant treated wood; vinyl (PVC); or man-made composite material manufactured to appear wood-like. Materials shall be of new or of good quality used substances of the aforementioned materials.

Section 2: Chapter 9. Fences, Hedges and Walls. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Sec. 9-4. Wood fences. by repealing this Section and readopting it to read as follows:

Sec. 9-4. Wood fences.

~~Wood~~ Fences constructed either from natural wood, rot-resistant treated wood, or a man-made composite wood-like material, collectively referred to herein as “Wood fences”, shall conform to the following:

(a)(1) *Post Size.* Such Wood fences shall have terminal posts no smaller than four (4) inches by four (4) inches and intermediate posts no smaller than two (2) inches by two (2) inches.

(b)(2) *Maintenance.* All such fences shall be painted on each side with an appropriate and harmonious color and shall be maintained and kept in repair by replacing all rotting wood. Construction and painting shall be completed with a reasonable time after the issuance of a permit therefor, to be determined by the building inspector. All components of Wood fences shall be maintained by:

(1). *replacing any rotten wood;*

(2). *ensuring that the fence does not sag or tilt from an upright position; and,*

(3). *keeping the fence free of stains and/or graffiti.*

(c) *Color.* Except as provided in this sub-paragraph, Wood fences shall be painted on both sides in a color which is harmonious and complimentary to the color of the residence or main structure. Wood fences constructed from a rot-resistant treated wood or from a man-made composite wood-like material are not required to be painted if these fencing materials are designed to naturally weather in color or if painting such materials would not be effective due to the incompatibility of paint with treated nature of the material, as determined by the building official.

Section 3: Each and every other section and sub-section of Chapter 9. Fences, Hedges and Walls. shall remain in full force and effect as previously enacted.

Section 4: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 5: Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance

Section 6: Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Village of Royal Palm Beach.

Section 7: This ordinance shall take effect immediately upon passage.

FIRST READING this 19th day of November, 2009.

SECOND AND FINAL READING this 3rd day of December, 2009.

VILLAGE OF ROYAL PALM BEACH

DAVID A. LODWICK, MAYOR

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

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