

Codes Made Simple

Section 74-287: Fences and Fence Walls

Resources

To learn more about Belleair's Code of Ordinances, fence regulations, or permit processes, we encourage you to take advantage of the following resources.

- The Town of Belleair Building Department: (727) 588-3775
- Building Department forms and applications portal: townofbelleair.com/buildingpermits
- Belleair's online Code of Ordinances: townofbelleair.com/code
- The State of Florida Building Code floridabuilding.org

Note: This document and its examples apply to only residential properties zoned R-1, R-2, RE, RM-10, RM-15, and RM-30). Questions on commercial properties should be brought to the Building Department for review and discussion.

Permit Process

New fence installations must be permitted before work may begin. To download a Building Permit Application, stop by Town Hall or visit townofbelleair.com/buildingpermits. Upon submitting an application, permit fees will be assessed per the Town's permit fee structure, which can be found at townofbelleair.com/permitfees. Additional documentation such as surveys and/or specs sheets may be required along with the permit application.

Once a permit application is completed by the homeowner or contractor and submitted to the Building Department, it will be approved or denied (per Section 74-287 of the Code of Ordinances). Upon permit approval, the Building Department will issue a notice to proceed so work may begin. Once work is completed, the homeowner or contractor must close out the permit and request an inspection from the Building Department.

Fence Height Restrictions

Generally, fences shall not exceed six feet in height, with the height being uniform along any straight stretch. Fence walls and caps (i.e. the pillars between segments) may extend up to nine inches above the six-foot height limit.

Any side-yard fences, fence walls, or hedges within ten feet of a body of water or seawall shall not exceed four feet in height so as to not obstruct neighbors' views of waterways. Any fences or fence walls placed along any property line adjacent to the Pinellas Trail may be as tall as ten feet in height.

Fence Material Options

Residential fences must be constructed of only one material, which may be wood, masonry, composite materials, vinyl, metal or wire, or black vinyl chainlink. Fence walls may be constructed with a different material from the fence itself and may be constructed of the previous materials or concrete, concrete block, stone, brick, or any suitable masonry material.

Fence Shielding

All fences and fence walls facing a street must be shielded with hedges or plants that cover 85 percent of the fence's surface. New plants have two years to grow to that capacity. Any plants shielding a fence that die must be replaced with plants at least three gallons in size that are spaced no more than two feet apart. Any (non-temporary) chainlink fences must be shielded at the 85 percent rate upon installation. An acknowledgment of the shielding requirement and information on plant locations and recommended types can be found later on in this document.



Locations and Setbacks

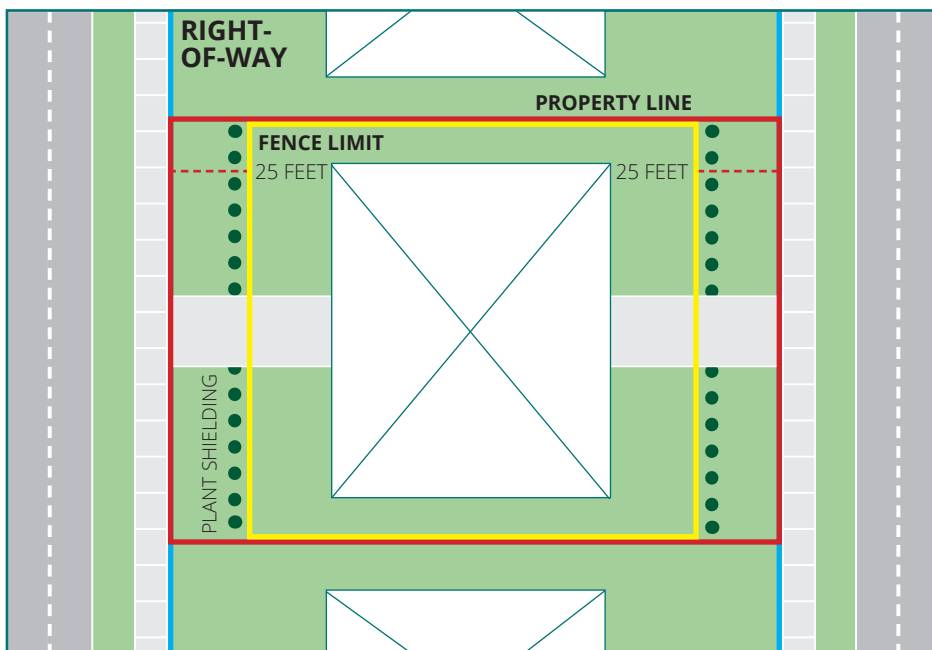
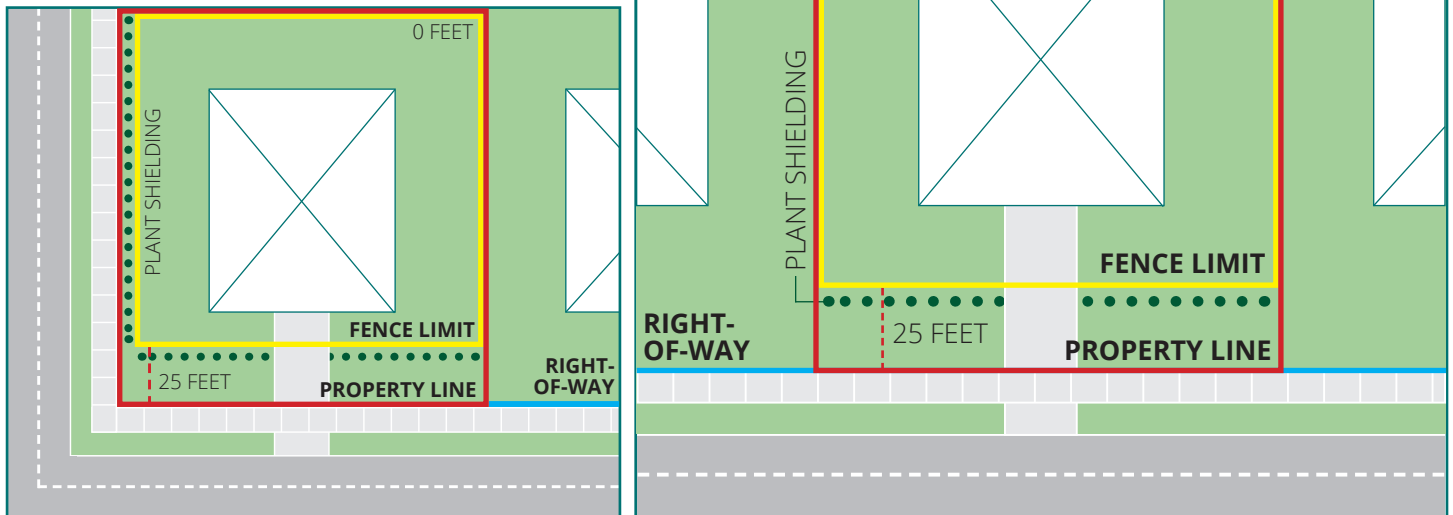
Fences are generally permitted within 25 feet or more from the property lines that face a road, as outlined below. It is important to note this limit is from the property line and not the street or sidewalk. As such, a survey of the property will be required to define the property line(s) in relation to any planned fences. Existing surveys may be acceptable; however, the Building Department reserves the right to require a new survey be completed at the property owner's expense.

When planning for a fence, property owners should keep in mind that all fences must be shielded with vegetation. The Town recommends denoting the location of that shielding on applications and site plans for clarity. An acknowledgment of the shielding requirement and a list of recommended plant types are included later in this document.

Any exceptions or appeals to the setback rules require a variance from the Planning & Zoning Board and Commission. As a reminder, these limits apply only to residential properties; commercial properties applying for a fence should contact the Building Department for a consultation.

Below: Corner Lot

For a corner lot, fences are permitted 25 feet (or 20%) from the property line for the primary front and 0 feet from the property line for the secondary front yard, side yard, and back yard.



Above: Interior Lot

For a non-corner lot property, fences are permitted 25 feet (or 20%) from the property line for the front yard and 0 feet from the property line for the side yard and back yard.

Left: Thru-Lot Frontage

For properties that have multiple frontages with a thru-lot frontage, fences are permitted 25 feet (or 20%) from the property line for the front yard and thru-lot frontage and 0 feet from the property line for the side yards.



Recommended Plants for Shielding

While the Town of Belleair does not require any particular plants for the shielding of a fence, there are some plant varieties that are recommended by our staff and arborist. These are provided below for your convenience.



Podocarpus

This plant makes a great hedge and is a fast grower that thrives in full sun and exhibits good looks thanks to its soft, lush, green foliage



Silver Buttonwood

Silver Buttonwood is known for its velvety-soft leaves of a silvery-gray color that make for a stunning hedge, accent, or small tree



Viburnum

Florida-native Viburnum varieties are hardy options for hedges that sprout white, sweet smelling blossoms in the spring



Variegated Arboricola

Another Florida native, this versatile plant features a beautiful yellow and green color and is very easy to grow and trim to shape

Other plants that are not pictured but that make for great hedges include:

- Arborvitae
- Bougainvillea
- Burford Holly
- Copperleaf
- Dwarf Firebush
- Jasmine
- Gardenia
- Hibiscus
- Ligustrum
- Oreka Palm

Section 74-287 - Fences and Fence Walls

- All fences shall comply with the provisions of the Standard Building Code, 1988 edition, section 1205, appendix D, or subsequent editions, and subject to the Town of Belleair property maintenance provisions, article VIII, section 74-517 of the Code of Ordinances.
- The posts of each fence must be resistant to decay, corrosion and termite infestation. Wood fence posts shall be pressure treated or otherwise preserved.
- Fence walls may be constructed of concrete, concrete block, stone, brick or any suitable masonry material. Concrete and concrete block walls shall be finished with a painted stucco finish on both sides. All perimeter retaining walls that are visible from public rights-of-way or open spaces/parks shall require caps.
- Fences and fence walls may be located in side, rear and secondary front yard setback areas and shall not exceed the height of six feet except as otherwise provided in this section, exclusive of decorative supporting posts which may extend no more than nine inches above the maximum six-foot height of the fence or fence wall; provided, however, any fence or fence wall placed along any property line which abuts the Pinellas Trail may not exceed ten feet in height.
- Fences, fence walls, and hedges within ten feet of the mean high-water line or sea wall shall be no more than 48 inches in height.
- The height of a fence or fence wall shall be determined from grade to the average top elevation of the fence or fence wall. Landscape berms, in conjunction with fences, shall be included in height determinations. Fences and fence walls shall be of uniform height along a running face, as topography allows, unless prohibited by other requirements of this Code.
- Fences and fence walls shall be prohibited within the front yard setback area and within the primary front yard setback area of corner parcels.



- (h) In areas where the property faces two roadways, or is located in any other area construed to be a corner lot, no fence, fence wall, or landscape buffer shall be located in the clear visibility triangle.
 - (1) No fence, wall, gate, or landscape buffer shall be allowed to constitute a visual obstruction to motorists, pedestrians, or bicyclists upon the streets, roads, sidewalks, bike paths, driveways, and alleyways of the town.
- (i) Except as provided in subsections (c) and (k), fences and walls may be constructed of wood, masonry, composite materials, vinyl, metal or wire, and shall be constructed of one material type only, except where specifically permitted herein, or by approval of the town manager.
- (j) Fences shall be placed with the finished side out.
- (k) Chainlink fences with canvas (or similar material) backing or mesh may only be permitted as a temporary construction fence, or on any parcel zoned public district. Except as provided below, all chainlink fences shall:
 - (1) Be shielded on the exterior side (the side facing out) as to completely obscure the fence by a hedge or similar planting;
 - (2) Be coated with a black vinyl coating. Green vinyl coatings may only be used for properties zoned public district;
 - (3) Have a top rail; and
 - (4) May not be utilized along a primary or secondary front yard setback.

All fences, or fence walls placed along a front yard setback or a primary front yard setback or along or within a secondary front yard setback area shall be shielded on the exterior side (the side facing out) by a hedge or similar planting. Any planting must grow to shield said fence over 85 percent of its surface within two years of planting. Should the shielding material die or be destroyed below the 85 percent coverage standard it shall, upon notification by the city, be replaced immediately or the city may take code enforcement action as provided in division 4 of article II.

- (l) No fence or fence wall shall be constructed or installed in such a manner as to adversely affect drainage on or adjacent to the site. To provide adequate drainage or to prevent the obstruction of drainage on or adjacent to the site, a fence or fence wall may be constructed so as to allow the bottom of the fence or fence wall to begin no more than two inches above the ground without being in violation of the maximum height restrictions set out in subsections (d), (e) and (f) of this section.
- (m) Any fence or fence wall required to be shielded by a hedge or similar planting shall be shielded by plant material approved by the town and such plant material shall be, at minimum, a size equivalent to a three-gallon plant and each such plant shall be planted not more than two feet apart. In addition, any fence or fence wall which is required to be shielded by a hedge or similar planting as provided in this section must be set back off a property line a sufficient distance to allow for the planting and growth of the hedge or similar planting and for the maintenance thereof.
 - (1) The town manager may waive the requirement for fence or walls to be shielded with plant material depending on the fence or fence wall materials, or zoning district; if greater than 50 percent of the fence area is open and unobstructed when viewed at a right angle from the public right-of-way. Except as a security measure for parcels zoned public district, the vegetative screening requirement may not be waived for chainlink fences.
 - (2) All chainlink fences must meet the 85 percent vegetative planting requirement at the time of installation. The town manager may waive this requirement for properties zoned public district, where the fencing is used around recreational play fields.
 - (3) Any fence or fence wall requiring vegetative planting must provide or demonstrate a means of irrigation acceptable to the town at the time of installation.
- (mi) Electrically charged, barbed wire or razor wire fences, or any fence or wall containing broken glass, or other substances reasonably designed to do bodily harm are prohibited.
- (mii) New sections of fence being installed shall require the removal of the old sections. Old sections of fence shall not be abandoned in place.
- (miii) Temporary fencing during construction is permitted and regulated in chapter 74, division 4 of the Code of Ordinances. Once a building permit is closed or becomes inactive, the temporary construction fencing shall be removed. The parcel may remain without a fence, or a permanent fence can be erected pursuant to this section, and other sections of the Code, as applicable.

(Ord. No. 399, § 1, 11-20-01; Ord. No. 523, § 1, 7-16-19)



Homeowner Acknowledgment

By signing below, I (the homeowner listed below for the residence listed below) verify I have received a full copy of Section 74-287 of the Town of Belleair's Code of Ordinances, a full copy of the "Codes Made Simple" cut sheet on the fence ordinance, and a listing of acceptable plantings required for fence shielding.

Further, I understand that I, the homeowner, am solely responsible for adhering to the shielding requirements set forth in the Code of Ordinances and I agree to comply by the shielding requirements and timelines therein. Lastly, I acknowledge that failure to comply by the Code of Ordinances may result in Code Enforcement citations.

Address for fence permit

Homeowner's printed name

Homeowner signature

Date

