
6.01.06. Walls, Fences, Hedges, and Seawalls.

Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (e.g., one side of a fence has visible support framing and the other does not, or one side of a wall has a textured surface and other does not), then the more "finished" side of the fence shall face the exterior of the lot rather than the interior of the lot. However, in the event that a wood fence is constructed against a significant obstacle on the adjoining property such as a hedge or another fence, that line of fence against the obstacle may be constructed with posts on the outside of the fence.

(Ord. No. 2021-02, § 4, 9-22-21)

- A. *Fences, hedge, Walls and Other Structures.* No hedge or fence over three feet in height, or any impervious surface except for the seawall shall be permitted on any lot abutting interior waters or intracoastal waterways for a distance of 15 feet from the mean water line or property line whichever is furthest landward, and no hedge or fence over eight feet in height shall be permitted from such point to the setback line, except hedges exceeding eight feet in height shall be permitted in the rear of the lots located at the north, south and east boundaries of the R-1 District. No hedge or fence shall be permitted any closer than five feet from the edge of the street and no hedge or fence over three feet shall be permitted any closer than 15 feet from the edge of the street; to assure continuity, this limitation will apply to both sides of a corner lot fronting on a street. No fence over six feet in height shall be permitted within the remaining boundary lines on a lot, and no hedge over eight feet in height shall be permitted within the remaining boundary lines on a lot.

(Ord. No. 88-1, § 3.8; Ord. No. 98-1, § 2, 12-9-97; ; Ord. No. 2016-03, § 2, 10-12-16; Ord. No. 2021-02, § 4, 9-22-21)

- B. *Walls.* No wall over four feet in height shall be permitted on any waterfront lot between the waterfront and the setback line nearest the waterfront. No wall over six feet in height shall be permitted on any lot except within the area in which a building may be constructed. No wall shall be erected atop a seawall.

No wall of any height shall be constructed on any lot until after the height, type and approximate location thereof have been approved in writing by the Committee. The heights or elevations mentioned herein shall be measured from the existing elevations of any adjacent property at or along the applicable points or lines. Any question as to such heights may be conclusively determined by the Committee.

(Restrictive Covenants, § 9; Ord. No. 2021-02, § 4, 9-22-21)

- C. *Seawalls.*

(1) For the purposes of this article, the following terms, phrases, words, and their derivation shall have the meanings given herein, except when the context clearly indicates a different meaning. In the interpretation and application of this article, the definitions provided for herein shall control over definitions that may be included in other documents or manuals, including, but not limited to, the Florida Building Code. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and the word "may" is permissive.

- a. *Mooring structure* means a boat dock, slip, davit, hoist, lift, floating vessel platform, mooring pile, or similar structure attached to land or to a seawall, to which a vessel can be moored.

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- b. *North American Vertical Datum (NAVD88)* means the vertical control for datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.
 - c. *Public nuisance* means a condition injurious to the public health or safety of the community or neighborhood, or injurious to any considerable number of persons, or a condition that obstructs the free passage or use, in the customary manner, of any public right-of-way.
 - d. *Seawall* means a vertical or near vertical (often interlocking) structure placed between an upland area and a waterway or waterbody for erosion control.
 - e. *Seawall cap* means a concrete box structure (usually reinforced) that connects seawall panels, piles, and anchoring system (if present) together at the top.
 - f. *Shoreline* means a tidally influenced area where land meets water.
 - g. *Substantial repair or substantial rehabilitation* means:
 - (a) Any modification to the shoreline or a shoreline structure along more than fifty percent (50%) of the length of the property's shoreline; or
 - (b) Any modification, alteration, or installation of an appurtenant structure (such as a mooring structure) that exceeds fifty percent (50%) of the cost of a tidal flood barrier along the property's shoreline.
 - h. *Tidal flood barrier* means any structure or shoreline feature including, but not limited to, seawalls, seawall caps, or other infrastructure that impedes tidal waters from flowing onto adjacent property or public right-of-way, and located within or along a tidally influenced area. This definition is not meant to include rip-rap, derelict erosion control structures, or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding.
 - i. *Tidally influenced area* means the real property adjacent to, or affected by, a waterway with water level changes in response to the daily tide.
- (2) Minimum elevations for coastal infrastructure within tidally influenced areas.
- a. All new or substantially repaired or substantially rehabilitated seawalls, seawall caps, upland stem walls, or other similar infrastructure shall be designed and constructed to perform as tidal flood barriers. Tidal flood barriers shall have a minimum elevation of five (5) feet NAVD88. Applications for new or substantially repaired or substantially rehabilitated tidal flood barriers submitted prior to January 1, 2035, may be permitted a minimum elevation of four (4) feet NAVD88, if designed and constructed to accommodate a minimum elevation of five (5) feet NAVD88 by January 1, 2050.
 - b. All property owners must maintain a tidal flood barrier in good repair. A tidal flood barrier is presumed to be in disrepair if it allows tidal waters to flow unimpeded through or over the barrier and onto adjacent property or public right-of-way. Failure to maintain a tidal flood barrier in good repair shall be a code violation. The owner of the tidal flood barrier shall demonstrate progress towards repairing the subject violation within sixty (60) days after receiving a violation and shall complete repairs within three hundred sixty-five (365) days after receipt of the violation. If the required repair or rehabilitation meets the substantial repair or substantial rehabilitation threshold, no later than three hundred sixty-five (365) days after receipt of the citation, the property owner shall design, obtain permits, cause to be constructed, and obtain final inspection approval of seawall improvements that meet the minimum elevation and design requirements.

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- c. Tidal flood barriers below a minimum five (5) feet NAVD88 elevation shall be improved, designed, and constructed so as to prevent tidal waters from impacting adjacent property or public right-of-way. Causing, suffering, or allowing the trespass of tidal waters onto adjacent property or public right-of-way is hereby declared a public nuisance and a citable code violation requiring abatement. The owner shall demonstrate progress toward addressing the citation concern within sixty (60) days after receipt of the citation and complete the construction of an approved remedy no later than three hundred sixty-five (365) days after receipt of the citation.
 - d. Tidal flood barriers shall be designed and constructed to prevent tidal waters from flowing through the barrier, while still allowing for the release of upland hydrostatic pressure.
 - e. To the extent practicable, tidal flood barriers shall be designed and constructed to adjoin immediately proximate tidal flood barriers to close gaps and prevent trespass of tidal water.
 - f. All tidal flood barriers undergoing substantial repair or substantial rehabilitation shall be constructed along the property's entire shoreline. Tidal flood barriers capable of automatically being elevated in advance of high tides to prevent tidal flooding are permissible, provided that automation cannot require daily human intervention.

(Restrictive Covenants, § 7; Ord. No. 88-1, § 3.5; Ord. No. 94-1, § 2, 3-8-94; Ord. No. 98-1, § 2, 12-9-97; Ord. No. 2015-01, § 2, 4-15-15; Ord. No. 2021-02, § 4, 9-22-21)

- D. *Perimeter walls.* Notwithstanding the provisions in this Section, any walls or fences constructed on either the northern, southern or eastern boundary lines or perimeters of the Village of Sea Ranch Lakes shall be permitted to be eight feet in height.

(Ord. No. 2003-01, § 2, 3-25-03)

- E. A property owner whose residential, commercial, or beach club property is unoccupied and undergoing construction, remodeling, rehabilitation or repair shall post a minimum of two no trespassing signs on the property. The no trespassing signs to be posted on the improvement shall be of 8½ inches by 11 inches. The no trespassing sign shall be highly visible in color and remain posted until the project is substantially completed.

(Ord. No. 2008-02, § 2, 6-17-08)

- F. *Fences, Hedges, and Walls Abutting Interior Waters or Intracoastal Waterways.* For purposes of this Code, the heights referenced herein shall be measured from the existing elevations of any adjacent property at or along the applicable points or lines as determined by the triangular land area formed by the intersection of the rear lot line with an interior side lot line not abutting a canal or waterway—with two sides of the triangle running along the rear and interior lot lines and being equal in length as per the required setbacks in 6.01.06, as may be amended, to the minimum rear yard depth, and the third side being a line connecting the ends of the other two sides.

(Ord. No. 2021-02, § 4, 9-22-21)