



CITY OF WINTER SPRINGS

1126 East State Road 434
Winter Springs, FL 32708
Phone: 407-327-1800 Fax: 407-327-4784
www.winterspringsfl.org

FENCES, WALLS, HEDGES CODE

ARTICLE VIII. FENCES, WALLS, HEDGES*

***Cross references:** Beautification board, § 2-76 et seq.; enclosure for swimming pool required, § 6-217; land development, Ch. 9; zoning, Ch. 20.

Sec. 6-186. Permit required.

Plans showing the location of any proposed fence or wall in excess of one hundred dollars (\$100.00) value and the type of construction shall be submitted to the building official and a permit obtained therefore from the building official.

(Code 1974, § 5-122)

Sec. 6-187. Construction materials.

Fences and walls constructed within the city shall conform to one (1) of the following:

- (1) Wood fences constructed of rot-and termite-resistive species of wood or chemically pressure-treated to resist rot and termite attack.
- (2) Street posts and wire fabric fences with fabric of a minimum of eleven gauge galvanized or other non-corrodible metal.
- (3) Ornamental iron.
- (4) Ventilated concrete or masonry.
- (5) Decorative PVC or aluminum, structurally sound to maintain spans and one hundred ten (110) mph wind load.

(Code 1974, § 5-123; Ord. No. 2001-29, § 2, 5-14-01)

Sec. 6-188. Exceptions to section 6-187.

Where zoning classifications within the city allow for horses, barbed wire fences will be permitted as well as fabric fences with fabric of less than a minimum of eleven-gauge galvanized or other noncorrodible metal.

(Code 1974, § 5-124)

Sec. 6-189. When barbed wire permissible.

In areas where security fences are permitted, barbed wire may be used above six (6) feet with approval of the building officials.

(Code 1974, § 5-125)

Sec. 6-190. Height limitations generally.

Unless otherwise specifically provided in any zoning district category, all walls or fences hereafter located, erected, constructed, reconstructed, or altered outside of the established building lines shall adhere to the following heights:

- (a) If front of the front building line, no more than four (4) feet in height;

(b) If to the rear of the front building line, provided the provisions of section 6-191 are met for corner lots, no more than eight (8) feet in height;

(c) Fences no more than four feet six inches (4'6") in height may be permitted on a case-by-case basis by the city manager to be located in front of the building line in zoning districts which provide for horses and ponies or commercial riding stables as permitted uses. Any fence approved by the city manager under this subsection shall be constructed using non-opaque material.

(Code 1974, § 5-126; Ord. No. 2008-06, § 2, 6-9-08; Ord. No. 2008-13, § 2, 8-25-08)

Sec. 6-191. Limitations when adjacent to street, intersection.

To avoid the obstruction of clear vision around or through corners on corner lots, no fence, wall or hedge shall be erected, planted or grown within twenty-five (25) feet of the intersecting property line corner adjacent to the street intersection corners.

(Code 1974, § 5-127)

Cross references: Streets, sidewalks and other public places, Ch. 17; streets, § 17-26 et seq.; motor vehicles and traffic, Ch. 12; zoning, Ch. 20.

Sec. 6-192. Utility easements.

(a) It shall be lawful for any person to enclose or fence any utility easements; provided, however, that adequate access must be provided thereto by the fence owner. If it becomes necessary to cut a fence or remove walls for the purpose of installation of new utilities or repairing or maintaining installed utilities, the utility company involved shall be responsible to repair or replace the fence or wall to the condition existing previous to the installation, repair or maintenance.

(b) A dedicated right-of-way shall not be fenced by any private citizen. However, and only when it is determined by the city commission that fencing, in whole or in part, of a public right-of-way is necessary to protect the health, safety, and welfare of the citizens of the city as a whole, the city commission may authorize a conditional use to permit a private citizen to erect a fence on a dedicated right-of-way contiguous to that citizen's property. Requests for such conditional use to this section shall be decided pursuant to the criteria procedures set forth in Chapter 20 of the City Code.

(c) Any fencing approved by conditional use to be erected on a dedicated right-of-way shall be constructed according to plans approved by the city staff, with gates adequate to allow access to maintenance vehicles. All costs incurred in fencing the right-of-way shall be borne by the contiguous property owner to whom the conditional use may be granted. The fence shall be maintained in safe condition by the property owner who installed it, and the fencing when removed may be reclaimed by that property owner.

(d) Such fences erected privately by conditional use on a dedicated right-of-way shall not preclude access to or use of such public land by any citizen of the city.

(Code 1974, § 5-129; Ord. No. 2004-49, § 3, 12-13-04)

Cross references: Utilities, Ch. 19.

Sec. 6-193. Distance from property line.

Fences, walls or hedges must be at least three (3) inches from property lines, except adjacent property owners may connect or otherwise attach their respective fences and walls in order to eliminate any gap or space between the fences and walls. The property owner's mutual written consent must be provided on a form acceptable to the city prior to the city permitting any such connection or attachment.

(Code 1974, § 5-130; Ord. No. 2005-17, § 2, 6-27-05)

Cross references: Land development, Ch. 9; zoning, Ch. 20.

Sec. 6-194. Article provisions not controlling; exception.

Provisions of this article do not supersede or control deed restrictions running with the land unless the provisions therein are more stringent than in the deed restriction.

(Code 1974, § 5-131)

Sec. 6-195. Maintenance of fences or walls.

All fences and walls and accessories thereto shall be maintained in good order and in a condition equal to that which was originally approved by the building official at the time a building permit was issued. If for any reason the fence or wall was erected without a building permit, said wall or fence shall be maintained in accordance with the conditions and requirements necessary for obtaining a fence or wall permit from the building official under this Article. Within thirty (30) days receipt of written notice by the City that a wall or fence does not comply with the requirements of this section, a property shall bring such fence or wall in compliance with this section within thirty (30) days of receipt of such notice. The thirty-day period may be extended an additional thirty-day period by the City Manager for good cause shown.

(Ord. No. 2000-02, § 1, 2-28-00)

Secs. 6-196--6-209. Reserved.