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CITY OF WINTER GARDEN FENCE REQUIREMENTS AND CODE OF ORDINANCES

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• **Sec. 118-1297. - Fences and walls.**

(a) *Permitted in required yards.* Notwithstanding other sections of this chapter, fences and walls may be permitted in any required yard or along the edge of any yard subject to the following:

(1) *Front yards.* Three feet in height, and set back from the property line one-half foot. Chain link fences are not permitted in the front yard. Exceptions to no chain link fence in the front yard are:

a. For corner lots, the yard that is located on the side of the house oriented toward the street will be allowed for chain link fence not to exceed four feet in height along with the installation of a landscape hedge in front of the fence;

b. For parcels larger than two acres for agricultural use, a chain link fence not to exceed four feet in height in the front yard and six feet in height in the side and rear yard is permitted.

(2) *Side yards.*

a. Three feet in height to the building line and six feet in height for the remaining side yard. Chain link fence is not permitted in the front yard area.

*Option 1:* With the submission of a scaled drawing indicating the location and dimensions of the fence or wall overlaid on a sealed survey, the fence or wall can be located on the property line.

*Option 2:* Without the submission of a scaled drawing indicating the location and dimension of the fence or wall overlaid on a sealed survey, the fence or wall must be located at least six inches from the property line.

*Option 3:* Without the submission of a scaled drawing indicating the location and dimension of the fence or wall overlaid on a sealed survey, the fence or wall may be located on the property line if written consent from the adjoining property owners is submitted with the permit application.

(3) *Rear yards.* Fences and walls in rear yards may be a maximum of six feet in height.

*Option 1:* With the submission of a scaled drawing indicating the location and dimensions of the fence or wall overlaid on a sealed survey, the fence or wall can be located on the property line.

*Option 2:* Without the submission of a scaled drawing indicating the location and dimension of the fence or wall overlaid on a sealed survey, the fence or wall must be located at least six inches from the property line.

*Option 3:* Without the submission of a scaled drawing indicating the location and dimension of the fence or wall overlaid on a sealed survey, the fence or wall may be located on the property line if written consent from the adjoining property owners is submitted with the permit application.

If the city determines there is a potential conflict with a proposed residential fence or wall that is adjacent to commercial or industrial property, the city will evaluate the appropriate alternative to provide necessary screening from the commercial or industrial property.

(4) Fences adjacent to alleyways. Fences may be located no closer than four feet from the edge of pavement of an alley, or the unpaved right-of-way of the alley (rear yard or side yard) providing the fence is a maximum of four feet in height and the fence is semi-opaque. Fences that are greater than four feet in height (but no greater than six feet in height) and are fully opaque may be constructed adjacent to an alley (rear or side yard) providing the fence is no closer than eight feet

from the edge of pavement of the alley. Driveways to alleyways may be gated providing the gate does not swing open toward the alley.

(5) *General*. All fences must be installed with the smooth side or most finished side facing out towards the adjacent property. All fences and walls must be outside the triangle of visibility.

(b) *Enclosure of swimming pools and spas*.

(1) Fencing or enclosing of swimming pools shall additionally comply with the adopted version of the Florida Building Code, Section 424, Swimming Pools and Bathing Places.

(2) All gates or doors opening through such enclosure shall be equipped with a self closing and self latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Screen enclosures shall be located at least five feet from the side or rear property line or outside of any utility or drainage easement whichever is greater.

(3) No permanent structures (such as concrete pool decks) are permitted in utility easements. Fences are allowed uses in utility easements provided this construction does not interfere with the utility improvements in the easement.

(c) *Electric fences*. It shall be unlawful for any person to erect, install or maintain any electrically charged fence within the city, except that the building official may issue a permit for an electrically charged fence to retain animals upon proof that the fence will not be hazardous to life.

(d) *Barbed wire fencing*. For the purpose of these regulations, barbed wire includes concertina wire, razor wire, or any similar device.

Notwithstanding the above regulations, it shall be unlawful for any person to erect, construct or maintain any barbed wire fencing within the city except:

(1) Not more than three courses of barbed wire not to exceed one additional foot in height to the fence may be installed above the top line of a six-foot chain link fence. Barbed wire may only be used in the following zoning districts:

- a. I-2;
- b. I-1; and
- c. C-2 with a special exception.

Regardless of the zoning district, no barbed wire may be used in locations without a special exception permit that are:

- d. Visible to a residential zoned property; or
- e. Within 20 feet of a public road.

Existing nonconforming situations—All existing nonconforming barbed wire as of the date of this subsection [July 14, 2011] shall be considered vested and may be allowed to remain.

(2) Barbed wire fences which comply with state statutes may be erected, constructed and maintained on premises zoned for agricultural uses.

(e) *Fences creating safety hazards*. It shall be unlawful for any person to erect, install, or maintain a fence which obscures clear view of traffic at intersections or driveways or which creates a safety hazard to pedestrians or vehicular traffic.

(f) *Permits*. It shall be unlawful for any person to install, erect, construct, relocate or alter a fence within the city without first obtaining a permit from the building division. No permit shall be issued if the building inspector determines that the proposed fence does not meet any of the requirements of this section. A sketch or design of the proposed fence, including a description of materials to be used and specification of height, shall be submitted with the application for a permit.

(g) *Application of section to existing fences*. This section does not apply to fences in existence before the effective date of the ordinance from which this section derives, except that on sale or transfer of the property upon which a nonconforming fence is located, such fence shall be made to conform to the requirements of this section or shall be removed within 30 days of closing or transfer.

(h) *Chain linked fence*. Notwithstanding the above regulations, all new chain linked fences that are visible from either a public road or from a residential or commercial property must be coated in green, black, or brown vinyl. The exceptions to this requirement are:

- (1) Existing chain link fences;
- (2) Chain linked fences on single family or duplex residential property; or

(3) New chain linked fences that receive specific permission by the planning and zoning board to be uncovered.

(i) *Subdivision walls and/or buffers.* All new perimeter lots in new subdivisions that back up to a public right-of-way must have some type of screen wall, fence, vegetative screen, or buffer at the time of final plat approval. The construction of said improvements must be approved by the planning and zoning board at the time of preliminary plat approval. Height of the screen wall shall be six feet from the finished grade of the location of the wall. These improvements shall provide both a desirable buffer for the residents of the subdivision from the street as well as provide an aesthetic buffer for the motorist. This can be accomplished with the installation of berms, walls and/or vegetation. In general, compliance with this section will require a brick facade wall (or berm or considerable amount of open space such as a golf course), hedges, canopy trees (at 50-foot spacing) and understory trees (at two trees per 50 feet). Inset sections of perimeter walls for landscaping are allowed. The following are not considered adequate buffers for compliance with this section:

- Chain linked fences.
- Wood fences.
- Painted or untreated block walls.
- Insufficient planting area for maturing landscaping.

Maintenance of these improvements will be the responsibility of the homeowners' association and must be clearly defined on the final plat.

(j) *Retention ponds.* All retention ponds that are required to have chain link fencing by St. John's River Water Management District must be coated in green, brown, or black vinyl. The exception to this requirement are retention ponds that:

- (1) Are not visible from any public right-of-way or from a commercial or residential property; or
- (2) If the owner of the retention pond fencing receives specific permission by the planning and zoning board.

(k) *Maintenance.* All fences, walls or other similar structures erected in any residential district shall be maintained by the property owner. Property owners shall be responsible for maintaining the appearance of the fence, wall, hedge or other similar structure in a manner that there are no missing boards or slats, cracks, open gaps, leaning sections, crooked posts, missing blocks or bricks, cracked or crumbling blocks or bricks and to maintain the structural integrity of the fence, wall or similar structure.

(Code 1988, § 24-102; Ord. No. 99-48, § I, 7-22-99; Ord. No. 04-12, § 1, 4-8-04; Ord. No. 11-13, § 2, 7-14-11)

- **Sec. 118-1298. - Visual and aural buffers.**

A visual and aural buffer with a minimum width of five feet measured at right angles to the property line shall be required along the entire length of side and rear lot lines, except where such lot lines abut a street or waterfront, by any commercial or hotel or motel use abutting a residential district, by any service station abutting any adjacent use, by any industrial use abutting any adjacent use, and by any mobile home park abutting any adjacent use. This buffer shall be required over and above the rear and side yards for each zone.

(Code 1988, § 24-103)

- **Sec. 118-1299. - Buffering material.**

Buffering materials shall consist of decorative fencing or walls not to exceed the height of six feet or decorative trees and shrubs. Buffers shall be attractively landscaped and neatly maintained and shall otherwise be unoccupied except for permitted utilities. Buffering is to provide adequate reciprocal visual and aural screening and protect property values on adjacent land uses and shall not be less than 80 percent opaque.

(Code 1988, § 24-104)

- **DIVISION 4. - FENCING CRITERIA**

- **Sec. 62-300. - Applicability.**

This division 4 is applicable to **fencing** contemplated or allowed under article VII of [chapter 62](#).

(Ord. No. 13-20, § IV, 5-23-13)

- **Sec. 62-301. - Height.**

**Fencing** shall be a minimum of 36 inches and a maximum of 41 inches in height.

(Ord. No. 13-20, § IV, 5-23-13)

- **Sec. 62.302. - Openings/entranceways.**

If there is any pedestrian opening or entranceway in the **fencing**, the minimum width of the opening or entranceway shall be 44 inches and the maximum shall be 60 inches. The community development department may approve a larger opening or entranceway for architectural compatibility with the building and **fencing**, or for functional efficiency, but the width shall not exceed 72 inches. No gates shall be installed or used in pedestrian openings or entranceways.

(Ord. No. 13-20, § IV, 5-23-13)

- **Sec. 62-303. - Materials and colors.**

**Fencing** must be made of metal (aluminum, steel, iron, or similar material) and must be of a dark or neutral color. Black or brown is preferred.

(Ord. No. 13-20, § IV, 5-23-13)

- **Sec. 62-304. - Architecture.**

The architectural details of **fencing** shall be approved by the community development department in order to ensure compatibility with the surrounding architecture and buildings. All portions of **fencing** facade shall be constructed in such a way or of a material that allows the free flow of air and open view through the **fencing** when viewed from either side of the **fencing**, and in no event shall the façade of each **fence** segment consist of more than 50 percent solid and opaque material.

## FREQUENTLY ASKED QUESTIONS AND ANSWERS

10. Q. I would like to install a fence around my house, what are the steps for a fence permit? A. Contact the Building Division for the fencer permit requirements and permit fees. Refer to the fence Setback

13. Q. What are the building setbacks, if my property is located on a lake, conservation area, or wetland? A. An average of twenty-five (25') feet with a minimum of fifteen (15') feet. Vegetative buffers from a wetland, lake or creek to any proposed lot or normal high water line road must be provided or maintained for all new development (Ref. 94-132.5).

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### **All County Fence Contractors supplies the following fence styles in Winter Garden, FL.**

- Wood Privacy, Picket , Split Rail & Board
- Vinyl Privacy, Picket,
- Ornamental Metal, Steel, Aluminum
- Chain Link, Galvanized, Black Vinyl Coated, Temporary Panels
- Driveway Gates, Gate Openers, Access Control Systems, Entry Gates, Entry Systems
- Residential Fences, Commercial Fences, Security Fences, Dog Fences
- Fence Installation, Fence Repair, Fence Rental, Contractors, Companies, Installers, Builders

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(All County Fence Contractors is not responsible for the accuracy of this information. Visit [http://www.cwgd.com/business/building/and Municode.com](http://www.cwgd.com/business/building/and_Municode.com) for the most up-to-date information on Winter Garden building codes and permit requirements.)

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