

ORDINANCE NO. 2025-06

AN ORDINANCE OF THE CITY OF WAUCHULA, FLORIDA, RELATING TO FENCING; AMENDING SECTION 3.01.04 BLOCKS, YARDS, LOTS, AND FENCES BY REMOVING SECTION (G) FENCE HEIGHT LIMITATIONS AND CREATING SECTION 3.01.05 FENCES AND WALLS TO PROVIDE CLARITY FOR REQUIREMENTS PERTAINING TO FENCES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE

WHEREAS, the Land Development Code addresses fence requirements; and

WHEREAS, there are potential issues that have been identified relating to the height and location of residential fences; and

WHEREAS, to provide better clarity in the requirements pertaining to fences and walls, the City is amending the Land Development Code by removing fences from Section 3.01.04 Blocks, Yards, Lots, and Fences and creating a stand alone fencing section; and.

WHEREAS, in accordance with the procedures required by Sections 166.041 (3)(c)2, Florida Statutes, and other applicable law, the regulations contained within this ordinance were considered by the City's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) as designated by the City Commission, at a duly advertised public meeting on March 17, 2025, at which time interested parties and citizens had the opportunity to be heard and such regulations were recommended to the City Commission for adoption; and

WHEREAS, the City Commission, after taking into consideration the recommendations of the Planning and Zoning Board and the City Staff, and the comments received during the public hearing process, finds that the proposed revisions and amendments are appropriate, desirable, and in the best interests of the City.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Wauchula, Florida that this Ordinance is hereby passed for the protection and welfare of the citizens of Wauchula, and that:

SECTION 1. RECITALS. The provisions set forth in the recitals to this Ordinance (whereas clauses) are hereby adopted by the Commission as the legislative findings and intent pertaining to this Ordinance.

SECTION 2. UNIFIED LAND DEVELOPMENT CODE. The Unified Land Development Code (ULDC) of the City of Wauchula is hereby amended as shown in Exhibit "A", which is attached and made a part hereof.

SECTION 3. CONFLICTS. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the City's Code of Ordinances and Unified Land Development Code (ULDC), unless such repeal is explicitly set forth herein.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Wauchula, Florida, hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5. CODIFICATION. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Unified Land Development Code of the City of Wauchula; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Unified Land Development Code of the City of Wauchula is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or their designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect as provided by general law.

INTRODUCED AND PASSED on first reading in regular session of the City Commission of the City of Wauchula, the ____ day of _____, 2025.

PASSED on second and final reading by the City Commission of the City of Wauchula, Florida, at regular session this ____ day of _____, 2025.

This ordinance was moved for adoption by Commissioner _____.
The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Anne Miller _____	insert yes or no
Commissioner Russell Graylin Smith _____	insert yes or no
Commissioner Keith Nadaskay, Jr _____	insert yes or no
Commissioner Dr. Sherri Albritton _____	insert yes or no
Commissioner Gary Smith _____	insert yes or no

(SEAL)

ATTEST:

APPROVED:

Stephanie Camacho, City Clerk

Richard Keith Nadaskay, Jr., Mayor

APPROVED AS TO FORM AND LEGALITY:

Thomas A. Cloud, City Attorney

**Ordinance 2025-06
Exhibit "A"
Amendments to the Unified Land Development Code**

Language stricken is shown in ~~strikethrough~~ format; language added is shown in underlined format.

3.01.04 Blocks, Yards, and Lots, ~~and~~ Fences.

~~(G) Fence Height Limitations. A permit is required from the Development Director before erecting any fence.~~

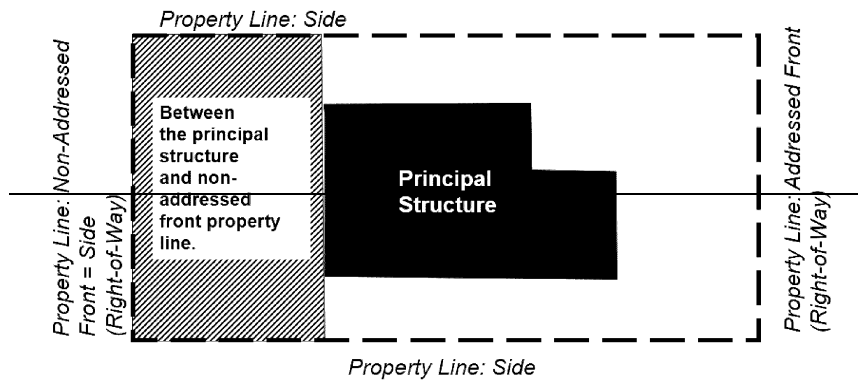
~~(1) *Residential Zoning Districts.* In all residential zoning districts, no fence or solid wall on any property shall exceed six feet in height. A solid fence may be added in the front yard as long as it does not exceed four feet in height and has a ten foot minimum setback from the property line. A chain-link type fence (without slats) may be placed within the front setback area as long as it does not exceed four feet in height. Similarly, no fence shall exceed six feet in height in the rear and side yard; and a solid fence may be added in the side yard as long as a 10-foot minimum setback from the front property line is maintained. A chain-link type fence (without slats) may be placed within the side yard setback area up to the front property line and may not exceed four feet in height for the first ten feet from the front property line.~~

~~(2) *Other Zoning Districts.* No fence or solid wall on any property shall exceed eight feet in height in any commercial or industrial zoning districts.~~

~~(3) *Clear Visibility Triangle.* In all districts, no fence or other obstruction, including signs having less than 8 feet of ground clearance, walls, hedges, or other structures shall be permitted to impede the clear visibility triangle (Section 3.02.04) so as to interfere with traffic visibility across the corner.~~

~~(4) *Finished Side Facing Out.* Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.~~

- ~~(5) *Pools.* Unless the pool is entirely enclosed or screened in with approval screen, it must be surrounded by a protective wall or chain link fence no less than four feet in height and meet the requirements of Section 2.04.04(C).~~
- ~~(6) *Double Frontage Lots.* For the purposes of fence or wall placement on double frontage lots, the front shall be the front property line from which the property is addressed, and the opposite front property line will be treated as a rear property line for the purpose of fencing as illustrated below. The placement of any fence or wall on the front of the property shall adhere to the provisions in Sections (1) or (2) above. A fence may be permitted on the rear property line in compliance with the provisions in Section (1) or (2) above provided the following conditions exist:~~
 - ~~(a) The rear of both the adjacent lots on the same side of the street are oriented the same as the lot on which the fence or wall is proposed. If one of the adjacent lots includes a house that is oriented to the street, the clear visibility for driveways located in Section 3.04.02(D) must be met to install a fence in compliance with the provisions in Section (1) or (2) above.~~
 - ~~(b) The proposed fence precludes vehicular access to the adjacent road.~~
 - ~~(c) If both of the above conditions cannot be met, such fence or wall in the rear shall not exceed four feet in height.~~
 - ~~(d) If the rear is adjacent to a right-of-way that would be classified as an arterial or collector right-of-way by the city engineer, then the fence or wall may be constructed consistent with the provisions in Sections (1) or (2) above, regardless of any of the above conditions.~~



- ~~(7) Where a residential subdivision abuts a public roadway classified as an arterial, a collector, or a local road, the developer shall construct a fence or wall along the entire length of the abutting property line within a recorded planting screen easement of at least ten feet.~~
- ~~(a) At time of subdivision plan review, the City Commission may approve the following.~~
- ~~(1) A change in fencing location for stormwater ponds or other open space elements adjacent to the right-of-way.~~
- ~~(2) A waiver of the requirement for fencing for minor subdivision plats or subdivisions with lots that front the road.~~
- ~~(b) Subdivision walls and fences shall be constructed to resist high winds up to hurricane strength and shall meet the following minimum standards:~~
- ~~(1) Be constructed of reinforced concrete block, stone, brick, or other masonry building materials in combination with wrought aluminum or other metal features, rigid composite, and other similar materials, as approved by the City Commission.~~
- ~~(i) Coated chain link fencing green or black in color may be permitted in combination with a dense irrigated landscape buffer.~~

- ~~(ii) Specifically in regard to PVC panel fencing, the minimum standard shall be concrete block columns no more than 30 feet apart on center, constructed with reinforced, concrete footings. The PVC portion of the fence shall be constructed with PVC posts in concrete not more than six feet on center and steel inserts in the top and bottom stringers.~~
- ~~(b) Shall be landscaped on the exterior side (between the wall or fence and the adjacent street right-of-way) with a minimum of five trees per 100 lineal feet and shrub hedges, within a minimum plantable area that is at least seven and one half feet wide located on the exterior side of the fence or wall.~~
 - ~~(1) Hedges shall be planted and maintained to form a 36-inch high continuous visual screen within one year after time of planting.~~
 - ~~(2) Trees adjacent to a right-of-way shall be appropriately sized in mature form so that conflicts with overhead utilities, lighting, and signs are avoided. (The clustering of trees and use of palms adjacent to the right of way will add design flexibility and reduce conflicts.)~~
 - ~~(3) Where decorative aluminum railing type fencing is applied, 50 percent of the required landscaping can be placed on the inside of the fence for aesthetic purposes.~~
- ~~(c) Shall be designed to ensure that historic water flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with SWFWMD requirements.~~
- ~~(d) Shall not be permitted until legally sufficient documents are recorded in the public records of Hardee County providing for the maintenance of the project fence and landscaping.~~

3.01.05 Fences and Walls.

(A) Permit Required.

- (1) A permit is required from the Development Director before erecting any fence or wall.
- (2) A permit shall not be required for general maintenance and repair of existing fences, provided that no more than 25 percent of the total linear footage of a fence is replaced within a 12-month period and any replacement fencing is of the same height, style and materials as the existing fencing.

(B) General Requirements

- (1) For purposes of this section, fences and walls shall mean free-standing fences and walls that are not structural elements of a building.
- (2) Fences and walls, whether required or optional, shall be constructed of the following types of materials:
 1. Chain link or ornamental wire manufactured for fences with uniformly spaced metal or wood posts; or
 2. Ornamental wrought iron, aluminum, or plastics manufactured for fences; or
 3. Treated or finished wood or wood units of uniform size; or
 4. Brick, stone, split block, stucco on concrete block or other finished precast masonry units of uniform size; or
 5. Finished poured concrete; or
 6. Vinyl Fences
- (3) The Community Development Director may approve other fence or wall materials on a particular site if they find that the proposed materials would provide equal or greater protection, would result in equivalent impacts on the general appearance of near or adjacent property, and do not violate the intent of this code.

- (4) Fences and walls, whether required or optional, may be erected adjacent to or on property lines, subject to the standards herein and subject to regulations relating to clear visibility triangles addressed in Section 3.01.04.
- (5) Where a lot or parcel abuts a use or district that allows a higher fence or wall, a fence or wall may be erected at the greater height along the common property boundary without requiring a variance. For example, a residential use having a maximum fence height of six feet that abuts a commercial use having a maximum fence height of eight feet may erect an eight-foot fence along the common property boundary.
- (6) The measurement of maximum fence or wall height shall not include decorative caps on wall columns or fence posts, or decorative arches above gates. Columns and posts, including decorative caps and finials, may exceed permitted fence height by a maximum of one foot. Columns and posts which exceed permitted fence height shall be not more than three feet in width and shall be spaced at least six feet apart. Additionally, averaging of fence height may be allowed under special circumstances, such as with a fence located on a slope, at the discretion of the City of Wauchula.
- (7) Fences and walls, whether required or optional, shall be maintained in sound condition.
- (8) Finished Side Facing Out. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
- (9) No fence or wall shall be erected in such a manner as to interfere with drainage.
- (10) The attachment of fabric, shade cloth, slats or other material to any chain link or similar open fence shall be prohibited on all perimeter and view

blockage fencing. This standard shall not apply to athletic fields and courts, fencing interior to a project site, or construction sites with an active permit.

(11) Pools. Unless the pool is entirely enclosed or screened-in with approved screen, it must be surrounded by a protective wall or chain link fence no less than four feet in height and meet the requirements of Section 2.04.04(C).

(12) Double frontage lots. The Community Development Director shall have the discretion to apply rear yard standards to one of the two frontages upon a determination that a particular yard functions as a rear yard for fence height requirements.

(C) Required Fences and Walls

(1) Requirements for fences and walls required for buffering or as a condition of a specific use are addressed in those respective sections.

(2) Residential Subdivision Fencing Requirements

Where a residential subdivision abuts a public roadway classified as an arterial, a collector, or a local road, the developer shall construct a fence or wall along the entire length of the abutting property line within a recorded planting screen easement of at least ten feet.

(a) At time of subdivision plan review, the City Commission may approve the following.

(1) A change in fencing location for stormwater ponds or other open space elements adjacent to the right-of-way.

(2) A waiver of the requirement for fencing for minor subdivision plats or subdivisions with lots that front the road.

(b) Subdivision walls and fences shall be constructed to resist high winds up to hurricane strength and shall meet the following minimum standards:

- (1) Be constructed of reinforced concrete block, stone, brick, or other masonry building materials in combination with wrought aluminum or other metal features, rigid composite, and other similar materials, as approved by the City Commission.
 - (i) Coated chain link fencing green or black in color may be permitted in combination with a dense irrigated landscape buffer.
 - (ii) Specifically in regard to PVC panel fencing, the minimum standard shall be concrete block columns no more than 30 feet apart on center, constructed with reinforced, concrete footings. The PVC portion of the fence shall be constructed with PVC posts in concrete not more than six feet on center and steel inserts in the top and bottom stringers.
- (c) Shall be landscaped on the exterior side (between the wall or fence and the adjacent street right-of-way) with a minimum of five trees per 100 lineal feet and shrub hedges, within a minimum plantable area that is at least seven and one-half feet wide located on the exterior side of the fence or wall.
 - (1) Hedges shall be planted and maintained to form a 36-inch-high continuous visual screen within one year after time of planting.
 - (2) Trees adjacent to a right-of-way shall be appropriately sized in mature form so that conflicts with overhead utilities, lighting, and signs are avoided. (The clustering of trees and use of palms adjacent to the right-of-way will add design flexibility and reduce conflicts.)
 - (3) Where decorative aluminum railing type fencing is applied, 50 percent of the required landscaping can be placed on the inside of the fence for aesthetic purposes.
- (d) Shall be designed to ensure that historic water flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with SWFWMD requirements.

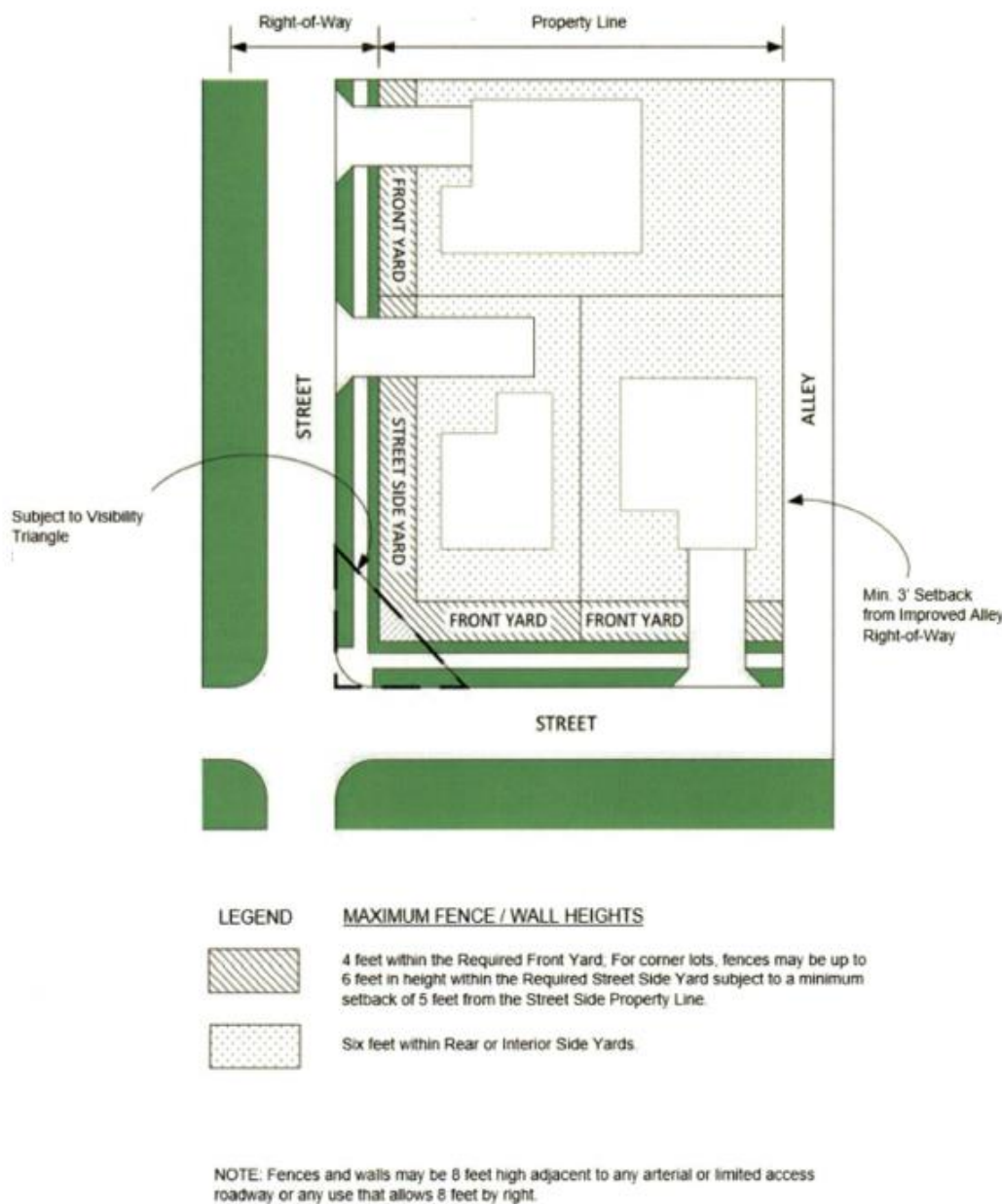
- (e) Shall not be permitted until legally sufficient documents are recorded in the public records of Hardee County providing for the maintenance of the project fence and landscaping.

(D) Optional Fences and Walls

- (1) Single-Family, Two-Family and Multi-Family Residential Zoning Districts. See Figure 1.

- (a) Fences or walls may be a maximum of six (6) feet in height within the rear or interior side yards.
- (b) Fences and walls shall not exceed four (4) feet within the required front yard. For corner lots, fences may be up to six (6) feet in height within the required side street yard subject to a minimum setback of five (5) feet from the street side property line.
- (c) Fences and walls shall be setback a minimum of three (3) feet from an improved alley right-of-way.
- (d) Fences surrounding public utility structures within residential districts shall be exempt from the setback requirements and height requirements (up to a maximum of eight feet) and may use up to three strands of barbed wire on security chain link fences provided that such barbed wire is a minimum of six feet above average grade.

Figure 1 Residential Fences and Walls



(2) Mobile Home and Recreational Vehicle Parks and Non-Residential Zoning Districts

- A. Optional fences or walls erected in areas zoned for mobile home and recreational vehicle parks, or office or commercial uses shall not exceed eight feet in height, except that in required front yards, the portion of such fences or walls that extends above four feet in height shall be made of pickets, wrought iron, chain link or similar open construction having no greater than 50 percent view blockage when viewed from an angle perpendicular to the face of the fence or wall.
- B. Optional fences or walls erected in the Industrial zoning districts shall not exceed eight feet in height, unless required as a condition for a specific use.

(E) Existing Fences and Walls

Existing fences and walls erected legally prior to the effective date of these standards (whether lawfully or otherwise) and which do not conform to the standards of this section shall be subject to the following:

- (1) Existing non-conforming fences and walls may be maintained and repaired, provided that maintenance and repair does not increase or intensify the extent or size of the nonconformity or exceed the limits specified in (2) and (3) below.
- (2) Where 50 percent or more of the linear footage of a non-conforming fence or wall within a single yard (front, street side, interior side, or rear) is to be replaced, the entire linear footage of the fence or wall within that yard shall be required to conform with the requirements of this section.
- (3) Where 50 percent or more of the total linear footage of a non-conforming fence or wall is to be replaced within a 12-month period, the entire fence or wall shall be required to conform with the requirements of this section.