

ARTICLE III. FENCE CODE

Sec. 10-51. Intent and purpose.

It is the intent of this division to establish regulations for the use of fences and walls that are over 7ft in height in order to protect the health, safety and welfare of the citizens of Hernando County. This shall include fences for the purpose of enclosure, exclusion, property protection, privacy, security and aesthetics.

(Ord. No. 92-8, § 1, 6-30-92; Ord. No. 2018-7, § 2, 3-27-18)

Sec. 10-52. Definitions.

The following definitions shall apply in the interpretation and enforcement of this division:

Clear-sight or vision triangle:

- (1) *Driveways:* This triangular area is the property on both sides of an exit driveway formed by the intersection of each side of the driveway and the public right-of-way line, with the distance being twenty (20) feet along the public right-of-way line, ten (10) feet along the driveway lines and the third line connecting the ends of the other sides.
- (2) *Street intersection:* This triangular area is the property on a corner at the intersection of any two (2) right-of-way lines of streets, or a street and a railroad, and a straight line intersecting these two (2) right-of-way lines at points twenty-five (25) feet from their intersection, and the third line connecting the ends of the other sides.

Courtyard: Any open space, unobstructed from the ground to sky, fully enclosed by walls and attached to a building.

Fence: An artificial structure of material or combination of materials serving as an enclosure, barrier or boundary, usually made of posts, boards, wire or rails or for privacy within a residential district may be PVC, wood, or chain link that is over 7ft high. For the purposes of this division, the term "fence" shall include fences and walls unless otherwise specified. The term "fence" does not include screens and privacy panels of less than twenty-four (24) feet in length located within the building setback area.

Front yard: For the purpose of the Hernando County Fence Code, the front yard is that portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the front entrance of the principal building.

Height: The measurement from the lowest point of finished grade on either contiguous side of the fence to the average top elevation. Berms, when used in conjunction with fences and walls, shall be included in the height determination.

Rear yard: For the purpose of this division, the rear yard is that portion of the yard extending the full width of the lot and measured between the rear lot line (which is the lot line opposite the front lot line) and the required rear setback line.

Residential district area: Any property zoned R-1A, R-1B, R-1C, R-2.5, RM, R-2, R-3, R-1-MH, R-R, R/PDP, MH/PDP, residential portions of C/PDP or other residential districts as defined in the Hernando County Zoning Ordinance.

Side yard: Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principal building.

Wall: An upright structure of masonry, wood, plaster or other building material which is constructed on a footer serving to enclose, divide or protect an area.

Wing wall: A decorative wall which is attached to and extends outward from a building.

(Ord. No. 92-8, § 2, 6-30-92; Ord. No. 2004-12, § 1, 8-17-04; Ord. No. 2018-7, § 2, 3-27-18)

Sec. 10-53. District areas.

- (b) In commercial and industrial districts the only applicable provision of this division is the requirement to secure a permit for the construction of a fence or wall. All other provisions of this division do not apply to commercial and industrial zoning districts.
- (c) The following areas are exempt from the provisions of this division: agricultural zoning districts, agricultural-residential zoning districts and mining zoning districts as defined by the Hernando County Zoning Ordinance.

(Ord. No. 92-8, § 4, 6-30-92; Ord. No. 2018-7, § 2, 3-27-18)

Sec. 10-54. Permit required prior to construction.

Prior to construction, all fences and walls **that meet or exceed 7ft in height** shall receive a permit in accordance with these regulations and the permitting requirements in effect at that time. Applications for a permit shall be accompanied by a fee, as set by the board of county commissioners. The county shall not inspect or approve the location of a fence in regard to property boundary issues and is not liable for the legal location of the fence.

(Ord. No. 92-8, § 4, 6-30-92; Ord. No. 2018-7, § 2, 3-27-18)

Sec. 10-55. Standards.

- (a) *Conformity to construction code.* All construction shall conform to the Hernando County Construction Code.
- (b) *Material and workmanship.* All construction shall be of acceptable and durable materials customarily used or marketed for fencing. Materials shall either be new or in new condition. All construction shall be installed with good workmanship. The posts of each fence shall be resistant to decay, corrosion or termite infestation.
- (c) *Maintenance.* All fences and walls shall be maintained in a safe and sound manner.
- (d) *Height.* The height of any fence or wall in front yards within any residential district area shall not exceed four (4) feet. The height of any fence or wall in side and rear yards within any residential district area shall not exceed eight (8) feet. Fences in the rear yard which are adjacent to waterfront areas, golf courses, common areas or similar open space areas shall have a maximum height of four (4) feet. These fences shall be chain link, split-rail, picket or of similar construction such that at least twenty-five (25) percent of the fence area is open and unobstructed when viewed at a right angle to the fence line.
- (e) *Front yard requirements.* Fences in the front yard shall be chain link, split-rail, picket or of similar construction such that at least twenty-five (25) percent of the fence area is open and unobstructed when viewed at a right angle to the fence line. On corner lots, for the purpose of fence installation standards, one (1) yard will be deemed the front yard, determined by the front entrance of the principal building location. The secondary yard will be required to maintain a nine-foot setback for fences over four (4) feet in height and exceeding seventy-five (75) percent opacity.

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- (f) *Conformity of replacement fences or walls.* If fifty-one (51) percent of the replacement value of a nonconforming fence or wall is destroyed or removed, the replacement fence must conform to this division.
 - (g) *"Knuckles up."* The top of chain link fences shall have "knuckles up" (no twisted sharp ends) in residential district areas.
 - (h) *Variances for PDP's.* When reviewing a planned development project (PDP), the board of county commissioners may approve specific fence or wall provisions which vary from the provisions of this fence code.
 - (i) *Stockade fences.* Stockade fences shall be installed with the rails to the enclosed areas. The smooth side shall face rights-of-ways or adjoining properties.

(Ord. No. 92-8, § 5, 6-30-92; Ord. No. 2004-12, § 2, 8-17-04; Ord. No. 2018-7, § 2, 3-27-18)

Sec. 10-56. Prohibitions.

- (a) No fence or wall over two (2) feet in height that blocks any driver's view shall be permitted within the clear-sight triangle of a driveway or street intersection. Any existing nonconforming fence or wall lying within the clear-sight triangle that blocks any driver's view must be removed or altered.
- (b) The following are prohibited in any residential district area:
 - (1) Electric fences;
 - (2) Barbed wire fences;
 - (3) Razor wire fences;
 - (4) Corrugated/scrap/sheet metal fences;
 - (5) Chicken wire fences;
 - (6) Fences and walls containing hazardous materials, broken glass, spikes, nails, barbs or any materials which can inflict pain or injury to any person or animal.
- (c) No fence or wall shall be constructed in a manner that impedes drainage flow. However, fences may be constructed within utility easements. A fence owner is responsible for ensuring that access is available through the utility easement when access is required. Also, removal of such fences, if required, is the responsibility of the property owner at the owner's expense.

(Ord. No. 92-8, § 6, 6-30-92; Ord. No. 2004-12, § 3, 8-17-04; Ord. No. 2018-7, § 2, 3-27-18)

Sec. 10-57. Exemptions.

Walls, wing walls and courtyards are exempt from these rules if the walls meet minimum building setback requirements for the zoning district.

(Ord. No. 92-8, § 7, 6-30-92; Ord. No. 2018-7, § 2, 3-27-18)

Sec. 10-58. Variances.

A variance may be granted from the terms and provisions of this division for just cause. (Hardship is need to be proven.) The procedure for securing a variance from this division shall be the same as for securing a variance from the zoning ordinance.

(Ord. No. 92-8, § 8, 6-30-92; Ord. No. 2018-7, § 2, 3-27-18)

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