

**ORDINANCE NO. 2004-12**

**AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 8. BUILDING AND BUILDING REGULATIONS; BY AMENDING DIVISION 14. FENCE CODE; BY AMENDING ARTICLE II, SECTION 8-210.12, DEFINITIONS, THROUGH THE AMENDING OF THE DEFINITIONS FOR "FENCE" AND "FRONT YARD"; BY AMENDING ARTICLE II, SECTION 8-210.15, STANDARDS, THROUGH THE AMENDING OF (b) MATERIAL AND WORKMANSHIP, THROUGH THE AMENDING OF (c) MAINTENANCE, THROUGH THE AMENDING OF (e) FRONT YARD REQUIREMENTS; BY AMENDING ARTICLE II, SECTION 8-210.16, PROHIBITIONS, THROUGH THE AMENDING OF (a); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:**

**SECTION 1: AMENDING ARTICLE II, SECTION 8-210.12, DEFINITIONS, BY AMENDING THE DEFINITIONS FOR "FENCE" AND "FRONT YARD" AS FOLLOWS:**

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

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enclosure, barrier or boundary, usually made of posts, boards, wire or rails. 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.

**SECTION 2: AMENDING ARTICLE II, SECTION 8-210.15, STANDARDS, BY  
AMENDING (b) "MATERIAL AND WORKMANSHIP, AND (e) "FRONT  
YARD REQUIREMENTS" AS FOLLOWS:**

(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 condition.

(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 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 (9) foot setback for fences over four (4) feet in height and exceeding seventy-five (75) percent opacity.

(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.

**SECTION 3: AMENDING ARTICLE II, SECTION 8-210.16, PROHIBITIONS, BY  
AMENDING SECTION 8-210.16 (a) AS FOLLOWS:**

(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.

**SECTION 4. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

**SECTION 5. INCLUSION INTO THE CODE**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County (Land Development Regulations) as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall be effective upon receipt of the official acknowledgment from the office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 17<sup>TH</sup> DAY OF AUGUST, 2004.**

(SEAL)  
COMMISSIONERS

**BOARD OF COUNTY  
HERNANDO COUNTY, FLORIDA**

Attest: Jenise E. Skinner  
KAREN NICOLAI, Clerk

By: Hannah M. Robinson  
HANNAH M. ROBINSON  
Chairperson

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY [Signature] 8/19/04  
County Attorney's Office