

ORDINANCE NO. 4065

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING BRADENTON LAND USE REGULATIONS CHAPTER 5.0 ACCESSORY USES, STRUCTURES, AND SIGNAGE, SECTION 5.1.2.7, FENCES AND HEDGES, TO MODIFY ALLOWABLE RESIDENTIAL FENCE HEIGHT AND LOCATION, TO PROVIDE FOR TEMPORARY FENCES, TO PROVIDE FOR FENCES ON VACANT PROPERTY AND TO CLARIFY THE LIMITATIONS ON RETAINING WALLS; AMENDING SECTION 5.2.2.4, FENCES AND HEDGES, TO MODIFY ALLOWABLE NON-RESIDENTIAL FENCE HEIGHT AND LOCATION, TO PROVIDE FOR TEMPORARY FENCES, TO PROVIDE FOR FENCES ON VACANT PROPERTY AND TO CLARIFY THE LIMITATIONS ON RETAINING WALLS; AND AMENDING CHAPTER 10, DEFINITIONS, TO MODIFY DEFINITIONS RELATED THERETO; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City wishes to amend the Land Use Regulations to update the requirements for fences, walls and the definitions of “lot”, “street” and “visibility triangle or vision triangle”; and

WHEREAS, the City finds it is in the City’s best interest to make these revisions to its Land Use Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA:

Section 1. Findings of Fact. The foregoing whereas clauses are hereby adopted as findings of fact.

Section 2. Chapter 5.0, Section 5.1.2.7 of the Land Use Regulations is hereby amended to read as follows (underline indicates additions):

5.1 Residential buildings.

For the purposes of this section, residential buildings shall include one- and two-family houses, multi-family dwellings and group care facilities.

* * *

5.1.2.7 Fences and hedges. Fences/hedges are required to comply with the following standards:

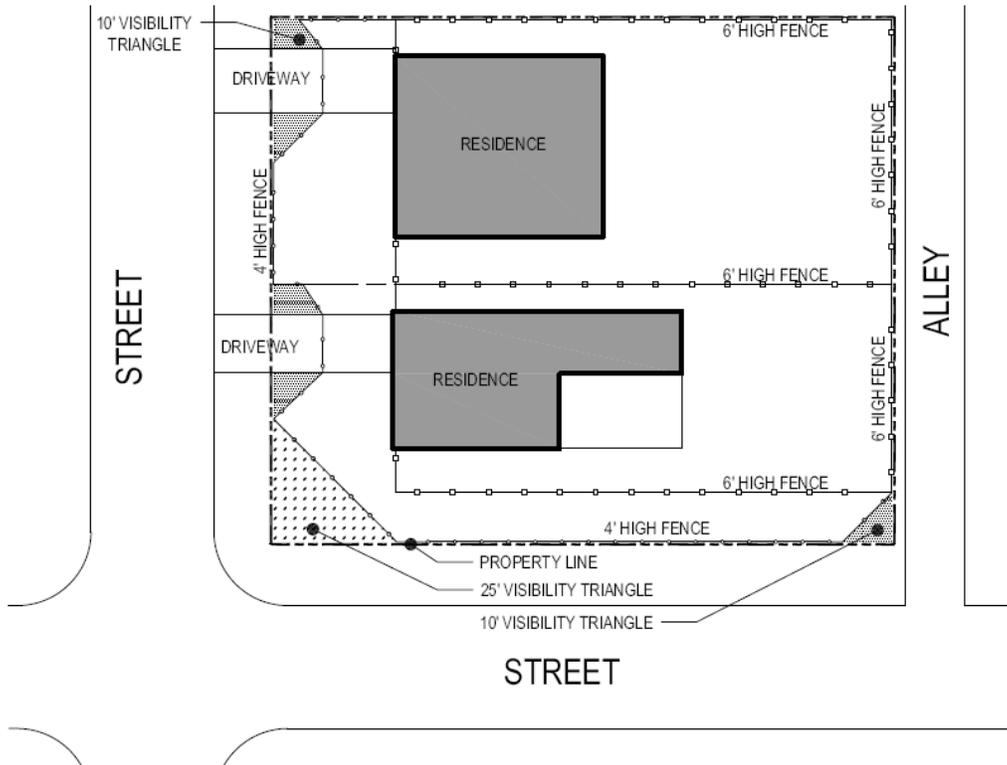
- a. *Height/setbacks.* Fences and/or hedges may be permitted along property lines if they meet the following height limitations (the most stringent standard shall apply):

Location *	Maximum Height
Within <u>35 feet of any intersecting streets, driveways alley a visibility triangle</u>	24 inches
Within 25 feet of any <u>street</u> right-of-way	48 inches
Front yard **	48 inches
Side or rear yard	72 inches

* Where one yard or visibility triangle overlaps with another, the more stringent height limitation will apply

** On corner lots, the secondary front yard may have a 72-inch fence provided a setback is maintained equal to half of the existing setback, and the fence does not extend into any visibility triangle or the primary front yard. The fence cannot be installed between the structure and the right-of-way.

** Fences in primary front yards shall be open picket or rail with at least 75% transparency.



- b. *Placement.* The city shall not be responsible for improperly placed fences. When the PCD director determines that a fence has been improperly placed, the owner of the fence shall relocate the fence within ten days of a notice of violation issued by the city. A fence or hedge may be permitted within an easement, provided the owner signs an affidavit, prior to the issuance of a fence permit stating that if it becomes necessary for the city or public utility to use the easement, the property owner will remove any portion or all of the fence at his/her expense.
- c. *Materials.* Fences made with barbed wire, cloth, nylon, PVC pipe, corrugated materials, glass, spikes or other similar materials, and electric fences are prohibited on residential properties. Fence materials must be generally compatible with surrounding properties. On corner lots, picket or other similar fencing as approved by the PCD director can be installed in the primary front yard. See section 5.1.2.7.a for restrictions in secondary front yards.
- d. *Temporary fence.* Permitted in all residential zoning districts including those in the Form Based Code Area, with approval by the PCD director, for up to one year from permit approval. An extension may be granted for up to six months by the PCD director. Temporary fences are allowed up to six feet in height along all property lines but must be chain link or other open style if within visibility triangles. Construction fences are allowed where associated with an active building permit at the discretion of the Building Official.
- e. Vacant property. In all residential zoning districts, including those in the Form Based Code Area, fences are considered accessory structures to primary permitted uses and cannot be installed on vacant property except at the discretion of the PCD Director provided all of the following criteria are met:
 - i. The fence is required to secure a vacant property to prevent vagrancy or illegal dumping;
 - ii. The fence consists of transparent open metal picket fencing or vinyl coated chain link;
 - iii. The height and location of the fence meet the requirements of Section 5.1.2.7.a. On corner lots the fence will be setback a minimum of 10 feet from the secondary front property line; and
 - iv. The property shall not be used for outdoor storage, parking or similar uses unless permitted as a primary use in the zoning district and all required permits and approvals are obtained for that use. The property must meet property maintenance standards as a vacant property and not be overgrown or contain trash and debris.
- f. Retaining walls. In all residential districts, including those in the Form Based Code Area, retaining walls and solid walls cannot be located in drainage and utility easements. The height of the retaining wall shall

be measured from the outside, lower grade inclusive of any fence or wall that may be on top of the retaining wall.

g. Project perimeter fencing. At the discretion of the PCD Director, fencing on the perimeter of school campuses in excess of one acre, planned development projects, multi-family projects, and mobile home parks/subdivisions may be up to 72 inches in height, if outside of visibility triangles.

Section 3. Chapter 5.0, Section 5.2.2.4 of the Land Use Regulations is hereby amended to read as follows (underline indicates additions).

5.2 Non-residential buildings.

For the purpose of this section, non-residential buildings shall include all buildings s except one- and two- family and multi-family dwellings and group care facilities.

* * *

5.2.2.4 Fences and hedges. The following standards shall apply:

a. *Height/setbacks.* Fences and/or hedges may be permitted along property lines if they meet the following height limitations (the most stringent standard shall apply).

Location *	Maximum Height
Within <u>35 feet of any intersecting streets, driveways or alleys a visibility triangle</u>	24 inches
Within 25 feet of any <u>street</u> right-of-way	48 inches
Front yard **	48 inches
Side or rear yard	72 inches
<u>* Where one yard or visibility triangle overlaps with another, the more stringent height limitation will apply</u>	
** <u>Fences in secondary front yards may be 72 inches provided the fence is placed 25 feet from the right-of-way.</u>	

b. *Placement.* The city shall not be responsible for improperly placed fences. When the PCD director determines that a fence has been improperly placed, the owner of the fence shall relocate the fence within ten days of a notice of violation issued by the city. A fence or hedge may be permitted within an easement, provided the owner signs an affidavit, prior to the issuance of a fence permit stating that if it becomes necessary for the city or public utility to use the easement, the property owner will remove any portion or all of the fence at his/her expense.

c. *Materials.* Fences made with barbed wire, cloth, nylon, glass, PVC pipe, corrugated materials, spikes or other similar materials, and electric fences are not permitted without city council approval. City council may

also grant a variance on height in conjunction with a request for barbed wire or electric fence. Fence materials must be generally compatible with surrounding properties. On corner lots, chain link, picket, or other similar fencing as approved by the PCD director can be installed in the primary front yard.

- d. *Temporary fence.* Permitted in all non-residential zoning districts and mixed use districts, including those in the Form Based Code Area, with approval by the PCD director for up to two years from permit approval. An extension may be granted up to one year by the PCD director. Temporary fences are allowed up to six feet in height along all property lines but must be chain link or other open style if within visibility triangles. Construction fences are allowed at the discretion of the Building Official.
- e. *Vacant property.* In all non-residential and mixed use zoning districts, including those in the Form Based Code Area, fences are considered accessory structures to primary permitted uses and cannot be installed on vacant property except at the discretion of the PCD Director provided all of the following criteria are met:
 - i. The fence is required to secure a vacant property to prevent vagrancy or illegal dumping;
 - ii. The fence consists of transparent open metal picket fencing or vinyl coated chain link;
 - iii. The height and location of the fence meets the requirements of Section 5.2.2.4.a.; and
 - iv. The property shall not be used for outdoor storage, parking or similar uses unless permitted as a primary use in the zoning district and all required permits and approvals are obtained for that use. The property must meet property maintenance standards as a vacant property and not be overgrown or contain trash and debris.
- f. *Retaining walls.* Retaining walls and solid walls cannot be located in drainage and utility easements. The height of the retaining wall shall be measured from the outside, lower grade inclusive of any fence or wall that may be on top of the retaining wall.

Section 4. Chapter 10, Definitions of the Land Use Regulations is hereby amended to read as follows (underline indicates additions).

* * *

Lot: A parcel of land under one ownership occupied by or to be occupied by one principal building and its accessory structures and including the open spaces and yards required under these LURs.

- A. *Lot line.* A boundary, usually a private property line, dividing a lot from a right-of-way, adjoining lot or other adjoining tract of land:
 - 1. *Front lot line.* The lot line abutting a street right-of-way line.

2. *Rear lot line.* The lot line opposite the front lot line.
 3. *Side lot line.* Lot lines other than the front or rear lot lines.
- B. *Corner lot.* A lot which abuts on two or more intersecting streets at their intersection. Corner lots shall have two front and two side yards.
 - C. *Double frontage lot.* Any lot other than a corner lot which abuts on two or more streets. The primary front lot line shall be the lot line abutting the street upon which the property is assigned an address by the City, which shall be determined based upon the classification of the abutting streets and the front lot lines applied to adjacent properties. The other front lot line(s) shall be either secondary front or rear lot lines, as determined by the PCD Director, based upon the lot lines of adjacent properties.
 - D. *Lot of record.* A lot which is duly recorded in the office of the clerk of the circuit court.
 - E. *Alley lot lines:* Lot lines along an alley shall be considered the rear lot line if they are parallel to and opposite the front lot line. Lot lines along an alley shall be considered the side lot line if they are perpendicular to and intersect with the front lot line. Alley lot lines shall be considered the front lot line if the alley is the only or primary right of way access.

* * *

~~Street: A local urban thoroughfare of low speed and capacity. Its public frontage consists of raised curbs defined by inlets and sidewalks separated from the vehicular lanes by a planter and parking. The landscaping consists of regularly placed street trees.~~
A strip of land intended for vehicular traffic and providing the principal means of access to property, including but not limited to road, lane, drive, avenue, highway, expressway, boulevard, or any other thoroughfare. The term "street" shall not be deemed to include alley, except as otherwise specifically provided herein.

* * *

~~Visibility triangle or vision triangle: A triangular-shaped portion of land established at street intersections or street and driveway or alley intersections in which nothing is erected, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. For street intersections, t This triangle is measured 35 feet in length from the intersection along the abutting right-of-way lines to form a triangle. For the intersection of two streets the triangle will measure 25 feet along the property lines. For the intersection of a street and an alley or non-residential driveway on the subject property, the triangle will measure 10 feet along the property lines.; and for driveway intersections, this triangle is measured ten feet from the intersection along the right-of-way line and along the driveway line to form a triangle.~~

Section 5. Codification. The City Clerk shall ensure that this Ordinance shall be submitted for codification of the language in Section 2 and Section 3 herein upon taking effect.

Section 6. Repeal of Inconsistent Ordinances. This Ordinance hereby repeals all Ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

Section 7. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 8. Effective Date. This Ordinance shall take effect as provided by law.

FIRST READING: December 10, 2025
SECOND READING: January 14, 2026

PASSED AND DULY ADOPTED, BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, WITH A QUORUM PRESENT AND VOTING, THIS 14TH DAY OF JANUARY 2026.

CITY OF BRADENTON, FLORIDA

Gene Brown, Mayor

ATTEST:

By: _____
Tamara Melton, City Clerk

APPROVED AS TO FORM:

By: _____
Scott Rudacille, City Attorney