

## Fence/Wall/Hedge Regulations from the FMB Land Development Code (LDC), Florida Building Code (FBC), and International Property Maintenance Code (IPMC)



### *Permit Required*

A fence permit is required for all work done in conjunction with the erection/replacement of any fence or wall. Please complete and send in a [Fence/ Wall Application](#) through the online permitting portal.

### *Placement*

A fence may be erected up to the lot line, but no part of the fence, post, or concrete may encroach over the lot line. We do suggest that if there is an easement to at least move the fence within the property 6 to 12 inches.

### *Finished sides*

Fences and walls must be constructed to present a finished side to adjoining lots and any abutting rights-of-way.

### *Height*

All fences and walls that are over

25 inches in height shall comply with established building permit procedures.

The maximum height for fences and walls is measured from the existing elevation of the abutting property.

### *Front yards*

Any fence or wall located in a front yard between a street right-of-way or easement and the minimum required street setback shall not exceed 48 inches in height except for:

- Architectural features (columns, post, gates, and arbors at a height not exceeding 84 inches.
- Screening of refuse containers may not exceed six feet in height.

No Fence or wall, excluding seawalls, shall be erected, placed, or maintained:

- Within any street right-of-way or street easement, or within eight feet of the edge of pavement and travel lane of a road than three feet to any sidewalk, bike path or the right-of-way of Estero Boulevard.
- Closer than five feet to the mean high-water line along natural waterbodies, including canals created from sovereign land, except where the canal that is seawalled. Where the canal is contained by a seawall, the fence may be built

immediately landward or on top of the seawall. Where the seawall is part of a pool barrier, the fence may extend beyond the seawall by a maximum of three feet.

### *Hedges*

Hedges in front and side yards shall not be limited in height, however, the following setbacks shall apply:

- A continuous hedge located along Estero Boulevard shall be maintained a minimum of three feet from any sidewalk or bike path and shall not overhang the right-of-way.
- A continuous hedge located along any street other than Estero Boulevard shall be maintained a minimum of six feet from the paved edge of the right-of-way and shall not overhang the right-of-way

Hedges in the 25-foot waterbody setback shall be subject to the height and opacity requirements. § 34-1744(3).

### *Rear or side yards*

Any fence or wall located in a side or rear yard shall not exceed six feet in height. The side yard does not include any portion of the lot between a street and the minimum required street setback which is 25 feet from the front property line.

### *Near waterbodies*

Within 25 feet of a body of water, those portions of a fence, wall, or hedge that exceed 48 inches in height cannot be more than 25 percent opaque (as viewed from

perpendicular to the fence

### *If a pool, spa, or hot tub is present*

Must be enclosed by a fence that is at least 4 feet high and not more than 6 feet in height, and which meets the barrier requirements of the [Florida Residential Swimming Pool Safety Act](#) (Chapter 515, F.S.) and the [Florida Building Code Chapter 45](#), including, but not limited to, a self-closing, self-latching device on all doors/gates that provide direct access from the home to the pool; the release mechanism must be no lower than 54 inches above the bottom of the gate. The self-closing & self-latching gates must be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost.

For more information, see also the US Consumer Product Safety Commission's [Safety Barrier Guidelines for Pools](#) in the Building Services [Resource Library](#).

### *Design*

All fences and walls on each property must have reasonably uniform or complementary materials and designs.

### *Materials*

Fences and walls must be constructed of traditional building materials including brick, stone, stucco over concrete block, finished concrete, metal, vinyl, wood (natural, stained, or painted), and composite products manufactured specifically for fences and walls. Non-traditional

fencing materials such as tires, mufflers, hubcaps are prohibited. Chain link and other wire fences are not permitted in front yards (the area between a street right-of-way or easement and the minimum required street setback or build-to line). Chain link and wire fences with slats or fabric installed may not be used as permanent screening materials but may be appropriate for temporary construction fencing.

### *Locate your lot lines.*

There should be metal stakes at each corner of your lot. If you can't locate your lot lines yourself, you may need to hire a surveyor. The Town of Fort Myers Beach cannot help you with this. It is the homeowner's responsibility to locate all property lines before the construction of any fence.

### *Call before you dig.*

Sunshine 811 hotline (800) 432-4770 to avoid hitting underground utilities that you may not know are there. A utility company employee will come out and mark the location of utilities.

### *Maintenance*

Accessory structures such as fences and walls must be maintained to be structurally sound and in good repair with original components. They must remain substantially vertical to serve their functions and aesthetic purposes. Structural integrity must not be compromised to the point that the fence would present a

danger of flight or destruction during high winds. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted.