AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING THE CITY OF CAPE CORAL, FLORIDA, LAND DEVELOPMENT CODE, BY AMENDING SECTION 5.2.7., FENCES AND WALLS, SET FORTH WITHIN ARTICLE 5, DEVELOPMENT STANDARDS, CHAPTER 2, ACCESSORY STRUCTURES, REGARDING THE GENERAL REQUIREMENTS AND RESTRICTIONS ON FENCES AND WALLS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral, Florida Land Development Code, Article 5, Development Standards, Chapter 2, Accessory Structures, Section 5.2.7., Fences and Walls, is hereby amended as follows:

Section 5.2.7 Fences and Wwalls.

A. Applicability.

1. This Section shall pertain, as appliable, to any fence or wall constructed on any property.
2. Nothing in this section precludes any fence or wall from meeting any and all requirements and standards necessary and specified within relevant sections of applicable Codified Language, including this Code, The Florida Building Code, and The Florida Statutes. Where a conflict occurs between this section and any other governing statute, the most restrictive shall apply.
3. Exceptions: The following are exempt from this section:
    a. Fences or walls constructed on City owned property;
    b. Fences or walls deemed necessary and vital for protection and safety of critical infrastructure as determined by the City; and
    c. Fences or walls deemed necessary and vital for the protection and safety of the general public as determined by the City .
    d. Retaining walls directly associated with the support and installation of an elevated pool deck, including those retaining walls utilized for fall protection. For the purposes of this section a retaining wall shall be defined as any structure, designed or built, to resist the lateral pressure of soil or other materials, including backfill, at a grade elevation change. This includes any structure, of any materiality, whose primary intention is to stabilize and support material on one side that would otherwise be prone to movement or erosion. This definition does not apply to landscaping edging or other similar modular and removable systems less than 24 inches in height, as measured vertically from the bottom of the system to its uppermost extent, and which does not support surcharge loads or affect slope stability.
4. Administrative Deviations: An administrative deviation may be requested from the height, setback, or material requirements applicable to any fence or wall under this Section. In addition to the Review Criteria contained in Section 3.3.6.C the administrative deviation for any fence or wall shall also consider the following:
    a. A reasonable necessity for the administrative deviation exists;
    b. The administrative deviation preserves or enhances the visual character and scenic quality of the subject property and surrounding area; and
    c. The administrative deviation does not diminish, impair, or otherwise adversely affect the health, safety, or general welfare of the public.

~~A~~B. General Requirements.

1. All fences and walls shall be of sound construction and not detract from the surrounding area.
2. No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected, except as otherwise provided herein. This shall not be interpreted to mean that bona fide agricultural users cannot use barbed wire or electrically charged fences to control livestock when located in districts permitting the raising, keeping, or breeding of livestock.
3. No fences or walls shall be placed within the visibility triangle.

4. If a fence or wall is located in a public utility or drainage easement, the property owner shall be solely responsible for removal of the fence or wall as may be required by the City or a Utility Provider, and at such entity's sole discretion. The property owner shall be solely responsible for all costs associated with the removal of the system as well as for any cost resulting from disturbance, damage, or destruction of the fence, ~~or~~ wall, or surrounding area resulting from work associated with utilities or drainage infrastructure ~~facilities~~, including those related to alley improvements within such easements.

5. Unless the posts or other supports used in connection with the fence or wall are visible from and identical in appearance from both sides ~~of the fence~~, all posts or other supports used in connection with the fence or wall shall be on the side of the fence or wall that faces the property on which it is to be erected. If a fence or wall is constructed in such a way that only one side of the fence is "finished", then the "finished" side of the fence shall face outward toward the street or adjoining property (facing away from the property on which it is erected). The "finished" side of the fence shall be the side that is painted, coated, or smoothed so as to be more decorative in appearance.

6. Fencing or walls for critical public utilities infrastructure, including water and wastewater facilities and electric and natural gas facilities, which may enclose either an entire site or only an area containing equipment, may be maintained at a height of eight feet. Barbed wire, spire tips, sharp objects, or electrically charged fencing are permitted on the top of fencing around critical infrastructure sites or equipment, however, the height of the fencing together with any barbed wire, spire tips, sharp objects, or electrically charged fencing may not exceed eight feet, and only the top two feet may contain barbed wire, spire tips, sharp objects, or electrically charged fencing.

7. Reserved.

8. Fences and walls are not permitted on any unimproved property ~~in a residential zoning district~~.

9. Fences and walls may be installed on unimproved sites in residential, non-residential or mixed-use zoning districts, when the Director determines that such wall or fence is necessary for:

   a. Site security or safety reasons;

   b. To secure temporary utility infrastructure storage areas; and

   c. Temporary fencing for demolition sites or sites with pending building permit or site development applications.

10. No wall or fence of any kind whatsoever shall be constructed on any lot until after the height, type, design, and location has been approved in writing and with a proper permit issued by the City ~~Director~~.

11. Fencing or walls for recreational facilities may be increased in height to ten feet. Such fencing or walls must immediately enclose the recreational facility. Hooded backstops for diamond sports may be increased to a maximum height of 28 feet. For sports other than diamond sports, backstops may be increased to a height of 12 feet. All fencing at recreational facilities must be constructed of at least nine-gauge fence fabric and schedule 40 tubing.

12. A fence or wall may be maintained at a height greater than otherwise allowed herein ~~if a higher fence height is required by the city~~ for the purpose of screening a special exception or conditional use. The allowable height increase shall only apply along the side(s) or rear of the property which abut(s) the property, or properties, containing the special exception or conditional use directly abutting a site with residential zoning or an existing residential use. For the purposes of this section, a property shall be deemed to abut another property if the two properties are either immediately adjacent to each other or separated by an alley. Properties separated by a street, canal, lake, or other body water shall not be deemed to be abutting properties.

13. A fence or wall shall be constructed of one or more of the following materials or finishes:

a. Wood (decay resistant or pressure treated only), shall be painted or stained;
b. Concrete block with stucco (CBS);
c. Reinforced concrete with stucco;
d. Stone or brick, including cast (simulated) stone or brick;
e. Concrete;
f. Wrought iron;
g. Aluminum;
h. Plastic, fiberglass, or vinyl;
i. Galvanized steel privacy panels painted with alkali-resistant coatings. Alkali-resistant coatings include heavy-bodied bituminous paint or methacrylate lacquer; or
j. Chain-link without slats

All other finishes and materials are prohibited.

14. For fences or walls located in a public utility or drainage easement, only the following materials or finishes are permitted:

a. Wood (decay resistant or pressure treated only);
b. Aluminum;
c. Chain-link without slats;
d. Plastic, fiberglass, or vinyl;
e. Galvanized steel privacy panels painted with alkali-resistant coatings. Alkali-resistant coatings include heavy-bodied bituminous paint or methacrylate lacquer;
f. Engineered reinforced concrete with stucco; or
g. Engineered concrete block (CBS) with stucco.

~~If a fence or wall is located within a public utility or drainage easement, the property owner shall be solely responsible for the removal of any fence or wall as may be required by the City or a utility provider, at such entity's sole discretion. The property owner shall be responsible for all costs resulting from the disturbance, damage, destruction, removal, and replacement of any fence or wall resulting from any work associated with the utility or drainage infrastructure, including those related to alley improvements within such easement.~~

15. Multi-family and school developments over 1 acre in size may construct a fence or wall around the entire perimeter of the property or in a location not otherwise allowed by this subsection.

16. Maintenance. All fences and walls shall be properly maintained, in accordance with the International Property Management Code Sec. 304.2 Protective Treatment, as referenced by Article 12, Section 12.1.C of this code.

~~B~~C. Residential Zoning Districts.

1. Maximum Height. ~~A~~ No fence or wall shall be constructed or maintained at a height greater than six feet.; ~~and no wall or fence shall be erected or placed within the front setback lines of any residential lot, except if a residential use abuts property used for commercial or professional purposes~~,

a. A ~~a~~ fence may be maintained at a height up to eight feet along the side(s) of the property which abut~~(s) the~~ property ~~or properties~~ containing commercial or professional uses. For purposes of this section, a property shall be deemed to abut another property if the two properties are either immediately adjacent to each other or separated only by an alley. Properties separated by a street, canal, lake, or other body of water shall not be deemed to be abutting properties.

2. ~~Any fencing within 20 feet of the rear property line on waterfront sites must be open mesh above a height of three feet. The Director may, in his or her discretion, approve minor projections above the restricted heights for architectural features.~~ Required Setbacks:

Front	Not Permitted; except as specified in 5.2.7.C.3
Side (not on a corner site)	None
Side (corner site)	None
Rear (not on alley)	None
Rear (on alley)	10 feet
Rear (double frontage)	Setback requirement is equal to the front yard setback for a primary structure for rear frontage roadway
Rear (along waterway)	None; fencing, walls and vegetation are required to meet opacity and height limitations as contained in 5.2.7.C.3

3. No fence or wall shall be erected or placed within the front setback lines of any residential lot and ~~N~~no part of a fence or wall shall be located forward of the forward-most part of the side of the principal structure to which the fence or wall is closest. ~~In no instance shall a fence enclose any portion of the front facade of the principal structure.~~

   a. A fence or wall may be permitted within the front setback where the residential property abuts property used for commercial or professional purposes. Where permitted, the fence or wall shall only be constructed and maintained along the side(s) where the property abuts. For purposes of this section, a property shall be deemed to abut another property if the two properties are either immediately adjacent to each other or separated only by an alley. Properties separated by a street, canal, lake, or other body of water shall not be deemed to be abutting properties.

   b. For properties located on a cul-de-sac or hammerhead, or where said property contains a bend, jog or other directional angle parallel to the right-of-way, the fence or wall may be permitted to follow the directional angle at the same setback as the forward-most part of the side of the principal structure to which the fence is closest for the remaining entirety of the property's frontage.

   c. In no instance shall a fence or wall enclose any portion of the front façade of the principal structure.

4. No fence, wall, hedge, or other growth shall be erected on any residential property within the city which shall unreasonably restrict or block the view of a canal or other waterway from an adjoining lot, or except as required to screen a special exception or conditional use. Where not required to screen a special exception or conditional use, any fence or wall shall be limited to a maximum height of 3 feet and any hedging or dense vegetation shall be limited to a maximum height of 4 feet. This limitation shall extend 10 feet off of the rear property line for the length of the property and 7.5 feet off of the side property lines for a distance of 20 feet as measured from the outer edge of the seawall cap or, where no seawall is present, from the rear property line.

   a. The height of a wall or fence may be increased provided that the wall or fence utilizes an open mesh above a height of three feet. The open mesh shall have a minimum visibility percentage of 75% and constructed with minimal profiles. For the purposes of this section "Open Mesh" is defined as the total of the combined components of a wall or fence and includes all posts, rails, pickets, meshes, panels, and connectors making up the area of the wall or fence. In no circumstance shall the height of the wall or fence be higher than the maximum height allowable by this code. The Director may, at his or her discretion, approve minor projections above the restricted heights for architectural features.

   b. Individual trees or other non-clumping palms shall be permitted provided that the canopy is maintained at a minimum height of 8 feet above grade and are spaced a minimum of 4 feet apart.

I. South Cape and MXB zoning district(s):

1. Maximum height.

a. When placed in front yards, 42 inches.

b. When not placed in front yards, six feet (except that a property which contains a non-residential use, and which abuts a property containing a residential use, whether such use is in a residential zoning district or mixed-use zoning district, may erect a fence up to eight feet in height along the side(s) of the property which abut(s) a property containing a residential use). For purposes of this subsection, a property shall be deemed to abut another property if the two properties are either immediately adjacent to each other or separated by only an alley. Properties which are separated by a street, canal, lake, or other body of water shall not be deemed to be abutting properties.

~~c. Fences, walls, and hedges may be maintained at a height greater than otherwise allowed herein if a higher height is required by the city for the purpose of screening a special exception use.~~

~~d. Fencing for recreational facilities may be increased in height to ten feet. Such fencing must immediately enclose the recreational facility. Hooded backstops for diamond sports may be increased to a maximum height of 28 feet.~~

2. ~~c.~~ Required setbacks:

Front	None
Side or rear (not on alley)	None
Side or rear (on an alley)	15 feet from the alley centerline
Abutting a navigable waterway	10 feet

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AT THEIR REGULAR SESSION THIS 20th DAY OF May, 2026.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	Aye	LASTRA	Aye
STEINKE	Aye	KILRAINE	Aye
LEHMANN	Aye	LONG	Aye
DONNELL	Aye	KADUK	Aye

ATTESTED TO AND FILED IN MY OFFICE THIS 26th DAY OF May, 2026.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:

ALEKSANDR BOKSNER
CITY ATTORNEY
ord/LDC Fences & Walls

5. No fence, wall, ~~or~~ hedge, or other growth shall be erected on property which would obstruct the view of either a pedestrian or driver of a moving vehicle so as to create a hazard to the health and welfare of its citizens.

~~C~~D. Non-Residential and Mixed-Use Zoning Districts.

~~1. Construction of fences or walls must meet the following restrictions:~~

1. ~~a.~~ Maximum height: six feet, except property in a commercial, professional, or mixed-use zoning district, which contains a non-residential use, and which abuts a residential use, whether such use is in a residential zoning district or mixed-use zoning district, may erect a fence or wall up to eight feet in height along the side(s) of the property which abut(s) a residential use. For purposes of this subsection, a property shall be deemed to abut another property if the two properties share a common border or property line or if the two properties are separated by only an alley.

~~b. Industrial business center uses in the Commercial Corridor (CC) zoning district shall construct an opaque wall that is 6 feet in height around the perimeter of the property.~~

2. ~~c.~~ Required setbacks:

Front	No part of a fence or wall shall be located forward of the forward-most part of the side of the principal structure to which the fence is closest. In no instance shall a fence or wall enclose any portion of the front facade of the principal structure, except as provided in Section 5.2.7.D.3 ~~C.1.b~~ for Industrial Business Centers.
Side (not on a corner site)	None
Side (corner site)	None for free-standing residential uses in mixed-use zoning districts; 7 feet for non-residential and compound uses in the Neighborhood Commercial and Commercial Corridor zoning districts; 10 feet for non-residential and compound uses in all other commercial, professional, and mixed-use zoning districts
Rear (not on alley)	None
Rear (on alley)	10 feet
Rear (double frontage)	Setback requirement is equal to the front yard setback for a primary structure for rear frontage roadway.

3. Industrial business center uses in the Commercial Corridor (CC) zoning district shall construct an opaque wall that is 6 feet in height around the perimeter of the property.

~~D. Multi-family developments over 1 acre in size may construct a fence or wall around the entire perimeter of the property or in a location not otherwise allowed by this subsection.~~

E. Industrial zoning district:

1. Maximum height: eight feet.
2. Required setbacks: none, except that fences shall be setback 10' from alleys.
3. Fencing and walls shall provide an opaque visual barrier, constructed of materials which conform to applicable codes, to conceal storage areas.

F. Agricultural zoning district:

1. Maximum height: eight feet.
2. Required setbacks: none.

G. Institutional zoning district:

1. Maximum height: eight feet.
2. Required setbacks: none, except that fences shall be setback 10' from alleys.
3. Fencing and walls shall provide an opaque visual barrier, constructed of materials which conform to applicable codes, to conceal storage areas.

H. Preservation zoning district:

1. Maximum height: eight feet.
2. Required setbacks: none.