

Version #4 September 4, 2018

UDO #

AN ORDINANCE REVISING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO REGULATE RESIDENTIAL FENCES ON PROPERTY WITH A RESIDENTIAL BUILDING THAT IS A SINGLE FAMILY HOME, DUPLEX, TWIN HOME, TRIPLEX, QUADRAPLEX, OR TOWNHOUSE.

1.11 Fences.

1.11.1 Purpose and Intent.

The purpose and intent of this section is to regulate the location, height, and appearance of fences, to protect adjacent properties from the indiscriminate placement of fences, ensure safety, security, and privacy of land and ensure that fences are subject to timely maintenance, as needed.

1.11.2 Applicability.

The provisions of this section shall apply to the construction, installation, repair, maintenance and replacement of a residential fence on property with a residential building that is a single family home, duplex, twin home, triplex, quadraplex, or townhouse, unless exempted in accordance with Section 1.11.8. Exemptions. A residential fence may be erected only in accordance with the provisions of this section. A residential fence is a structure that encloses an area, typically outdoors, that is usually constructed from posts that are connected by boards, wires, rails or netting without a solid foundation along its entire length.

1.11.3 Location Requirements.

A. General.

1. Fences shall not be located within the public right-of-way.
2. Fences shall not block alleys in violation of Sections 74-92 or 74-99 of the City's Code of Ordinances.

B. Public Utility Easements. Fences located within utility easements shall receive written authorization from the easement holder. The City shall not be responsible for damage to, or the repair or replacement of fences that must be removed to access such easements.

C. Blocking Natural Drainage Flow. A fence shall not be installed so as to block or divert a natural drainage flow onto or off any other land.

D. Obstructions at Intersections. No fence shall be erected, installed, repaired or maintained in a manner that obstructs visibility for motorists at any street intersection. All fences with an opacity of greater than 50%, erected or installed at any street intersection, shall comply with the sight triangle easement (10' x 70') standards set forth in Chapter D of the Unified Development Ordinances.

- E. Application Within a Historic District, Historic Overlay District, or Local Historic Landmark. The provisions of this ordinance shall not apply to a fence constructed within a Historic District, Historic Overlay District, or Local Historic Landmark property.

#### 1.11.4 Height Standards.

- A. No fence with an opacity of greater than 50%, located within any portion of the front yard lying between the street frontage of the lot and the principal structure, shall be built to a height greater than four (4) feet above grade, subject to the line of sight provision in 1.11.3D. Notwithstanding this provision, when the zoning officer finds that there exists an unusual or extraordinary circumstance where an overwhelming public interest is served by allowing additional height to protect a residential use from the potential negative impacts surrounding the property, the zoning officer may permit a height of up to ten (10) feet above grade for such fences.
- B. Measurement. Fence height shall be measured at the highest point above grade (not including columns or fence posts) on the portion of the fence nearest an abutting or adjacent lot or street right-of-way. Safety railings required by the State Building Code shall not be included in fence height measurements.

#### 1.11.5 Materials.

- A. General. The following fence materials are permitted for fences and must be designed to be used as fencing material:
  - 1. Ornamental iron, steel or aluminum;
  - 2. Wood;
  - 3. Composite materials designed to appear as wood, metal or masonry, that are also in compliance with Section 1.11.5(B) below;
  - 4. Chain-link, except where prohibited; or
  - 5. Vinyl fence panels.
- B. Prohibited Materials.
  - 1. Barbed wire, razor wire, concertina wire, or similar materials are prohibited.
  - 2. Fences that carry an electrical current are prohibited except for the purpose of enclosing livestock or as required by a federal, state or local government agency. Nothing shall prohibit below-ground electrical fences intended for keeping pets.
  - 3. Fences made of debris, junk, rolled plastic, sheet metal, untreated or unpainted plywood, or waste materials, unless the materials have been recycled and reprocessed, for marketing to the general public, as fencing materials designed to resemble fencing materials (e.g. picket fencing made from recycled plastic and fiber) are prohibited.

4. Boundary fences and walls made of concrete masonry units (also known as cinder blocks) are prohibited, with the exception of decorative concrete masonry units, including, but not limited to, split-face block.

#### 1.11.6 Finished Side.

All fences shall be configured so that the finished side of the fence faces adjoining property. For purposes of this section, the finished side does not include supporting members or bracing. Notwithstanding this provision, when the zoning officer finds that there exists an unusual or extraordinary circumstance where an overwhelming public interest is served by allowing the finished side of a fence to face away from an adjoining property, the zoning officer may permit such.

#### 1.11.7 Maintenance.

Fences shall be constructed, installed, and maintained in a safe manner plumb (vertical) to the ground. Fences not constructed, installed, and maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement or otherwise shall be repaired, replaced or demolished.

#### 1.11.8 Exemptions.

The following are exempted from the standards in this section:

- A. Temporary fences for construction sites, including but not limited to: fencing necessary for soil erosion and sedimentation control and tree protection.
- B. Any and all masonry boundary fences and walls that are also in compliance with Section 1.11.5(B) herein.

#### 1.11.9. Nonconforming Fences.

All non-conforming fences shall be removed within two years from the effective date of this ordinance unless the zoning officer finds that there exists an unusual or extraordinary circumstance where an overwhelming public interest is served by (1) allowing additional height to protect a residential use from the negative impacts surrounding the property, provided the fence does not exceed the additional height limitations set forth in 1.11.4; or (2) allowing the finished side of a fence to face away from an adjoining property.