



FENCES AND WALLS

CHAPTER 165.17

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1. Residential Districts. In any residential zoning district, fences and walls not exceeding six (6) feet in height are permitted within the limits of side and rear yards. Fences are permitted in the front yard with a maximum height of forty-eight (48) inches. All fences and retaining walls within a front yard shall be a minimum of two (2) feet from any property line abutting frontage to a public street. All fences located between the front property line and the front yard building setback, shall be designed with a minimum open space of thirty percent (30%). Retaining walls shall be the only type of wall allowed within a residential front yard.
2. Residential Corner Lots. Any yard abutting a public street shall be considered a front yard. Residential corner lots contain two (2) front yards, and any fence extending into either front yard shall be a maximum of forty-eight (48) inches in height and shall be subject to all other requirements for front yard fences.
3. Through and Double Frontage Lots. On through lots or double frontage lots, a privacy type fence not exceeding six (6) feet in height may be placed within the designated rear yard, as determined by the Zoning Administrator, provided it is a minimum of ten (10) feet from the street right-of-way line.
4. Industrial and Commercial Districts. In industrial zoning districts, fences and walls not exceeding eight (8) feet in height are permitted within the limits of the side and rear yard. Fences within a commercial district, within the front yard of an industrial district, or exceeding eight (8) feet in height in industrial districts, may be permitted by special exception of the Board of Adjustment.
5. Decorative Features. In all districts, decorative features such as individual posts, brick or stone columns, and similar features constructed as part of a fence or wall shall be allowed to exceed the maximum fence height by no more than twelve (12) inches.
6. Swimming Pool Enclosures. Barriers constructed for the purpose of enclosing a swimming pool, shall also be subject to the requirements of Chapter 152 of this Code of Ordinances.

7. Fence Frames. The frame of a fence, including posts, rails, and supports shall be placed on the inside of the fence and facing towards the property on which the fence is erected.
8. Retaining Walls.
 - A. Retaining walls shall be set back from the property line one foot (1') for every one foot (1') of height.
 - B. Retaining walls which are six (6) or more feet in height shall be structurally engineered. No single wall face shall be greater than six feet (6') in height without terraces to break up the wall expanse. A minimum one foot (1') of terrace shall be used for each two feet (2') of wall height. Each terrace shall contain vegetation. The design specifications, elevations and site plan showing the exact location of the wall shall be provided along with the required building permit application to the Zoning Administrator.
9. Vision Clearance. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between the height of two and one-half (2½) feet and ten (10) feet above the centerline grades of the area described as follows: That area bounded by the street right-of-way lines of a corner lot and a straight-line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines (see Figure 1).

Figure 1: Vision Clearance Area



10. Materials and Maintenance.

A. Allowed Materials.

- (1) Fences are to be constructed of customarily used materials such as chain link, wrought iron, aluminum, wood, polyvinyl chloride (PVC), and other similar materials, unless specified otherwise herein. Wood fences should be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay.
- (2) The use of materials such as corrugated or sheet metal, chicken wire, woven wire, temporary construction fencing, snow fencing, or similar materials shall not be permitted for permanent fencing. A fence shall not be constructed or covered with: paper sheets or strips; cloth or fabric tarps, sheets, or strips; plastic or vinyl tarps, sheets, mesh, or strips; metal siding or panels not originally designed or intended as fencing material; bamboo; reed; or plywood sheeting. Chain-link or woven wire type fences shall not include plastic or wood slats or strips, bamboo, or reed. All fences must be of an earth tone, neutral, or natural color such as white, black, gray (silver), tan, brown, green. Bright or fluorescent colors are not permitted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on fences.
- (3) An exception may be approved by the Zoning Administrator for sun and/or wind screen material applied to fences directly associated with a sports or recreation facility such as tennis court fences, baseball field fences, or basketball courts, subject to the provisions of subsection 12-C of this section. An exception also may be approved by the Zoning Administrator for mesh screen material associated with a commercial or industrial site.
- (4) Walls and Retaining Walls. Walls and retaining walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, etc., and shall not be painted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on walls unless part of an approved and permitted sign in accordance with the City's Sign Regulations.

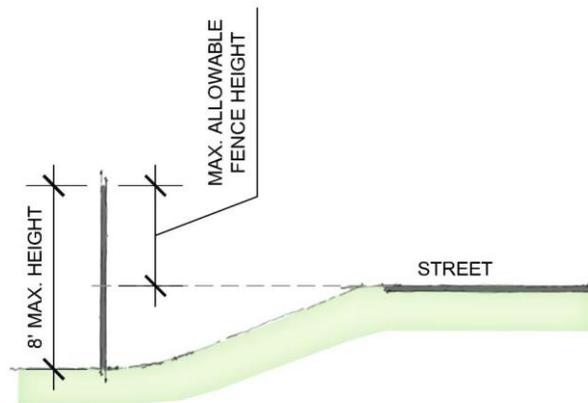
B. Prohibited Materials. A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire, razor wire, nails, electrical charge or other similar materials shall be prohibited.

C. Construction and Maintenance. All fences shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting, and other acts required for maintenance. The Zoning Administrator after ten (10) days' notice to the owner of the fence, may order the

removal of any fence that is not maintained in accordance with the provisions of this Code, and the cost assessed against the property where said fence is located. An extension of time may be granted, upon filing a verified statement that the delay is not a result of any act of the owner.

11. Screening and Buffer Walls. In any zoning district where a fence or wall is required by the zoning or subdivision regulations or any other provisions of this Code of Ordinances, to serve as a screening wall, buffer wall or other separating or protective wall, the restrictions of this section shall yield to the requirements of such other specific provision.
12. Measuring Fence or Wall Height. The height of a fence or wall shall be determined by a measurement from the ground beneath the fence or wall as follows:
 - A. In a yard abutting a street, the total effective fence or wall height above the finished grade shall be measured on the side nearest the street. Notwithstanding, if a property or premises is lower than an adjacent street, then the height of the fence or wall shall be determined by a measurement from the street grade at a ninety degree (90°) angle from the fence or wall; provided the total vertical measurement from the ground beneath the fence or wall to the top of the fence or wall shall not exceed eight feet (8') (see Figure 2).

Figure 2: Below Street-Grade Fence



- B. In any other required yard, the total effective fence or wall height above the finished grade shall be measured on the side nearest the adjacent property.
- C. On a property line, the fence or wall height shall be measured from the finished grade of the side of the adjacent property.

- D. Swales and other earth depressions up to six feet (6') wide shall not be used when measuring the fence or wall height.
- E. Manmade earth berms, terraces, and retaining walls that elevate the fence or wall shall be considered a part of the fence or wall, except in the case of a fence or wall constructed within an industrial zoning district or as otherwise may be required by the City for the purposes of screening.

13. Overland Flowage Easements.

- A. Fences may encroach into an overland flowage easement providing measures are taken to make certain that the fence does not cause siltation buildup or restrict the water flow.
- B. Permitted fence material includes chain link, wrought iron fencing, picket style fencing that is at least thirty percent (30%) open, or other fencing styles that are at least thirty percent (30%) open.
- C. All fencing shall be elevated a minimum of three (3) inches through the swale part of the easement to allow water flowage.

14. Exceptions to Fence Requirements.

A. Agricultural Purposes.

- (1) In agriculture districts, barbed wire and woven wire fencing may be allowed, subject to a minimum setback of ten (10) feet, provided it is used to contain livestock or to protect crops and plantings.
- (2) In agriculture districts, an electrified fence may be allowed subject to a minimum setback of ten (10) feet for the purpose of containing livestock.

B. Industrial Districts. In industrial districts, fences topped with barbed wire may be allowed by special exception of the Board of Adjustment, provided the barbed wire is not less than six (6) feet above the ground.

C. Recreational Purposes. Fences associated with the uses of a sports or recreational facility or other similar area, shall not be subject to the height restrictions specified elsewhere in this section, provided that such fence is constructed to maintain a consistency of at least seventy five percent (75%) open space for the full length of the fence and does not impede the required vision clearance. Any such fence is subject to design review and approval of the Zoning Administrator.

- D. Temporary Fences. Temporary or seasonal fences, e.g. snow fence, garden fence, are exempt from permitting requirements providing they are not more than four (4) feet in height. Snow fence shall be allowed to be placed from the first day of November through the first day of April of the following year. Snow fence shall not be allowed at any other time of the year, unless it is being placed as safety or construction fencing in accordance with the temporary construction fence requirements of this Chapter.
- E. Temporary Construction Fence. Temporary construction fences, barricades, railings, or other similar fences installed to provide temporary site security and/or safety in conjunction with construction work may be allowed in any district during periods of construction. Any such temporary fences shall be removed upon completion of the construction work.
- F. Existing Fence. Repair of existing, legal but nonconforming fences shall not be subject to the setback or height regulations, if the repair or replacement coincides with the location and height of the existing fence. Complete replacement of an existing fence requires compliance with the terms of this Chapter. Complete replacement shall be defined as the removal or replacement of forty (40) percent or more of the existing fence.

(Chapter 165 – Ord. 857 – June 18)