

Fence Ordinance

Section 18.720: Fencing Standards

(1) Purpose

The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public. In all zoning districts, except B-2, fences and landscape walls are permitted only in the manner outlined below.

(2) Definitions

(a) Fence

An enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress.

(b) Landscape Wall

A vertical structure or partition that encloses an area or separates two areas.

(3) Applicability

The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 30 inches in height, for all land uses and activities.

(4) Permit Required

No fence or wall shall be installed without first obtaining a permit. Each application for a permit shall be accompanied by the fee in the amount stated in Section 18.935.

(5) Standards

(a) Materials

1. Residential Districts

Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, preformed concrete block, concrete, brick, wrought iron, chain link, and wire mesh, except that wire mesh fencing is not permitted within required front yard or street yard setbacks. Any fence within a street yard, including along property lines that intersect a right-of-way, shall be a maximum of 60% opaque.

2. Nonresidential Districts

Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, preformed concrete block, concrete, brick, wrought iron, chain link, and wire mesh. Except for industrial security fences, barbed wire fencing shall not be permitted. Any fence within a street yard, including along property lines that intersect a right-of-way, shall be a maximum of 60% opaque. Industrial security fencing shall be an open-type fence (e.g. chain link, woven wire, or wrought iron) and may be topped with barbed wire.

3. Temporary Fencing

Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction and during special events is permitted for up to 60 consecutive days.

4. Snow Fences

Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences.

(b) Location

1. On all properties, no fence, landscape wall, or decorative post shall be located closer than 2 feet to the front yard or street yard property line. Fences may be located on any property line abutting a side or rear yard. The property owner is responsible for finding and exposing or establishing through a survey that corner location (property/lot stakes).
2. No fence, landscape wall, or decorative post which obstructs sight lines over 2.5 feet in height above the survey of the roadbed shall be allowed in a traffic visibility triangle, per Section 18.703(2)(a)

(c) Maximum Height

The maximum height of any fence, landscape wall, or decorative post shall be the following:

1. Fences in excess of 36" tall shall not be permitted within a front yard setback or equal to building setback;
2. 8 feet when located on any residentially zoned property, but not within a required front yard setback or a required street yard setback; and
3. 10 feet when located on any non-residentially zoned property, but not within a required front yard or a required street yard.

(d) Orientation

Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.

(e) Maintenance

Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner as determined by the Zoning Administrator.

(f) Swimming Pools

Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI), which is available from the Zoning Administrator.

(6) Enforcement

Enforcement of this subsection shall be upon written complaint to the Zoning Inspector, subject to his written order to abate any existing violation within 20 days thereof, prior to any enforcement by citation. Any such order of the Zoning Inspector is subject to the appeals process found in Section 18.934(4) along with the fees in Section 18.935.

(7) Non-Conforming Fences, Landscape Walls, and Decorative Posts

Fences, landscape walls, and decorative posts in existence at the time of adoption of this ordinance shall be considered legal non-conforming except for maintenance standards contained in Subsection (e), above.