
Sec. 16-603. Fences and Walls.

(a) *Fences or walls.*

- (1) Fences or walls may be constructed to a maximum height of six feet above the average grade subject to the restrictions of this subsection. Where a new fence or wall is constructed or an existing fence or wall is being extended, a permit shall be obtained from the Building Inspector. A fence permit shall also be required for the replacement or reconstruction of 50 percent or more of the linear length of the entire existing fence. Any replacement or reconstruction shall comply with all the provisions of this subsection, except setbacks.
- (2) Fences or walls (including retaining walls) in any planned district shall be approved by the Planning Commission as part of the final development plan prior to the issuance of any fence permit.
- (3) Retaining walls may be permitted where they are reasonably necessary due to the topography of the lot, where the wall is located at least two feet from any street right-of-way, and where the wall does not extend more than 42 inches above the ground level of the land being retained.
- (4) All fences or walls constructed prior to the adoption of these regulations which do not meet the standards of this subsection may be replaced and maintained resulting in a fence of the same size, type and material; provided, however, that no fence shall be replaced or reconstructed in a manner which obstructs the sight distance triangles as defined in Section 16-424 of this Chapter.
- (5) In residential districts the following restrictions and standards shall apply to all fences and walls:

(b) *Location.*

- (1) *Front yard.* A fence or wall in excess of 30 inches high may not be constructed in the front yard or in front of the front platted building line, whichever is more restrictive. A decorative wall or fence 30 inches high or lower may be constructed in a front yard, provided that no fence or wall may be located in public right-of-way. For purposes of this subsection, a "decorative" wall or fence shall be limited to structures constructed of wood rail, masonry, wrought iron, or spaced wooden pickets; where the construction has both a finished and an unfinished surface, the finished surface shall face outward.
- (2) *Rear yard.* A fence or wall may be constructed on the rear property line on all lots whose rear lot lines abut another lot or a designated thoroughfare. Fences on corner lots shall be restricted to 42 inches high once it passes the front building line of the house on the rear adjacent lot. No fence shall be permitted in any platted landscape easement except as a part of an approved master fence/screening plan. In the case of a double frontage lot whose rear yard abuts a collector or local street, a fence or wall may be constructed no closer than 15 feet to the rear property line.
- (3) *Side yard.* A fence or wall may be constructed in the side yard up to or on the side property line, except that no fence shall be closer than 15 feet to any collector or local street right-of-way with the exception of a 42 inches high fence which is permitted to be placed up to the right-of-way line and does not encroach on the sight distance triangle as defined in Section 16-424 of this Chapter of this Code. In addition, no fence shall be permitted in any platted landscape easement except as a part of an approved master fence/screening plan.

(c) *Design standards.*

- (1) All fences and walls shall be constructed with a finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface. Chain-link style fencing is prohibited within all front yards.

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- (2) All fence segments abutting a designated thoroughfare, except on corner lots, shall provide one gate opening per lot to allow access to the area between the fence and the edge of the street for maintenance and mowing.
 - (3) *Exceptions for fences in landscape easements.* Where a master fence/screening plan has been approved as part of a final development plan, all fences in the platted landscape easement shall conform with the approved master fence/screening plan. Changes to this plan shall be permitted only if a new master fence/screening plan is approved in accordance with the procedures established in this chapter. In all commercial and industrial districts, a fence or wall up to eight feet in height may be constructed on any side or rear property line but shall not be located in any required front yard setback or be closer to any public or private street than the required setback for a building. Planning Commission approval will be required for fences or walls in any planned zoning district.
- (d) *Retaining Walls.*
- (1) Retaining walls shall be set back from the property line one foot for every one foot of height.
 - (2) Retaining walls which are six or more feet in height shall be structurally engineered. No single wall face shall be greater than six feet in height without terraces to break up the wall expanse. A minimum one foot of terrace shall be used for each two feet 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.
- (a) *Materials and Maintenance.*
- (1) *Allowed Materials.*
 - a. 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 and be protected with a wood sealant.
 - b. 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.
 - c. 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 this chapter. An exception also may be approved by the Zoning Administrator for mesh screen material associated with a commercial or industrial site.
 - d. 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.

- (2) *Prohibited Materials.* A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of broken glass, barbed wire, razor wire, nails, electrical charge or other similar materials shall be prohibited. However, spikes or pointed pickets are permitted to discourage climbing.
- (3) *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/sealing, and other acts required for maintenance. The Zoning Administrator after ten 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.

(b) *Overland Flowage Easements.*

- (1) 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.
- (2) Permitted fence material includes chain-link, wrought iron fencing, picket style fencing that is at least 50 percent open, or other fencing styles that are at least 50 percent open.
- (3) All fencing shall be elevated a minimum of three inches through the swale part of the easement to allow water flowage.

(c) *Exceptions to Fence Standards.*

- (1) *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 75 percent 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.
- (2) *Governmental Properties.* Fences associated with governmental (federal, state, county, city) facilities and properties.
- (3) *Temporary Fences.* Temporary or seasonal fences, e.g., snow fence, garden fence, are exempt from permitting requirements providing they are not more than four 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.
- (4) *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.
- (5) *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 40 percent or more of the existing fence.

(Ord. No. 1056, § 3(Exh. C), 8-5-2024)