Sec. 144-1.4. - Definitions.

For the purpose of this chapter, certain words and terms as used herein are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and vice versa; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory; the term "used for" includes the meaning "designed for" or "intended for."

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Fence. A tangible enclosure or barrier generally erected to provide a boundary or separation of properties.

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Wall. A solid vertical structure of building material allowed by this chapter or other chapters of the city code as applicable that forms the exterior of buildings, separates portions of buildings or separates properties.

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Sec. 144-5.3. - Landscaping, tree preservation, public trees, screening, fences, buffering and lighting.

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5.3-2. *Fences and walls.*

(a) Maximum height of fence or wall:

(1) *Non-residential, multifamily and park:* Eight feet.

(2) *One- or two-family:* Eight feet.

Ornamental features may be placed on top of the screening fence or wall so long as the features obstruct less than 50 percent of the opening on top of the fence or wall.

(b) No fence or wall shall be constructed in any required front yard, except fences and walls no taller than 36 inches unless the fence is at least 50 percent open, in which case the fence may be four and one-half feet tall.

(c) If an existing, legally non-conforming building has less than the required setback, the front yard shall be measured from the front building line.

(d) A fence from the front or rear corners of a building may extend through the side yard at the maximum height allowed.

(e) Permit required. All fences and walls require building permits and must comply with all permit/plan review submittal requirements including engineered foundation when necessary.

(f) Public easement. Fences within public easements. Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement. The entity responsible for the public easement must approve the fence.

(g) Fences are prohibited within drainage easements.

(h) Residential buffer wall

Where a multifamily or non-residential development is adjacent to land used or zoned only for single-family or two-family development, a six foot tall (minimum) to eight foot tall (maximum) ~~masonry~~ solid screen residential buffer wall must be installed and maintained by the commercial/multifamily property owner/developer as a buffer between the properties. The wall must be constructed of any of the following materials: ~~and must be consistent with any pre-existing masonry wall.~~

- Brick,
- Stone,
- Cast stone,
- Rock,
- Marble,
- Granite,
- Split-face concrete block,
- Poured-in place concrete, or
- Precast concrete.

In no instance shall any residential buffer wall be constructed of fiber cement, such as James Hardie brand products or equivalent.

Any new buffer wall must be consistent with any pre-existing wall so long as it meets the materials requirements above.

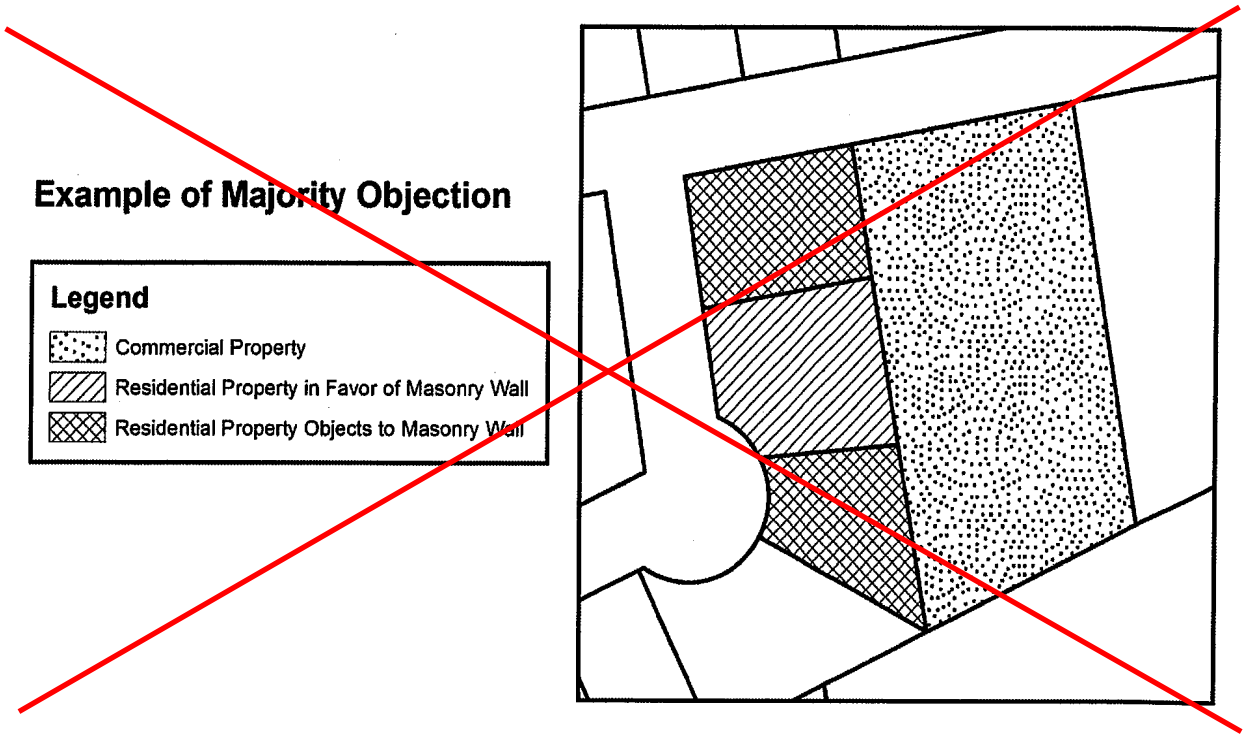
(1) Exemption.

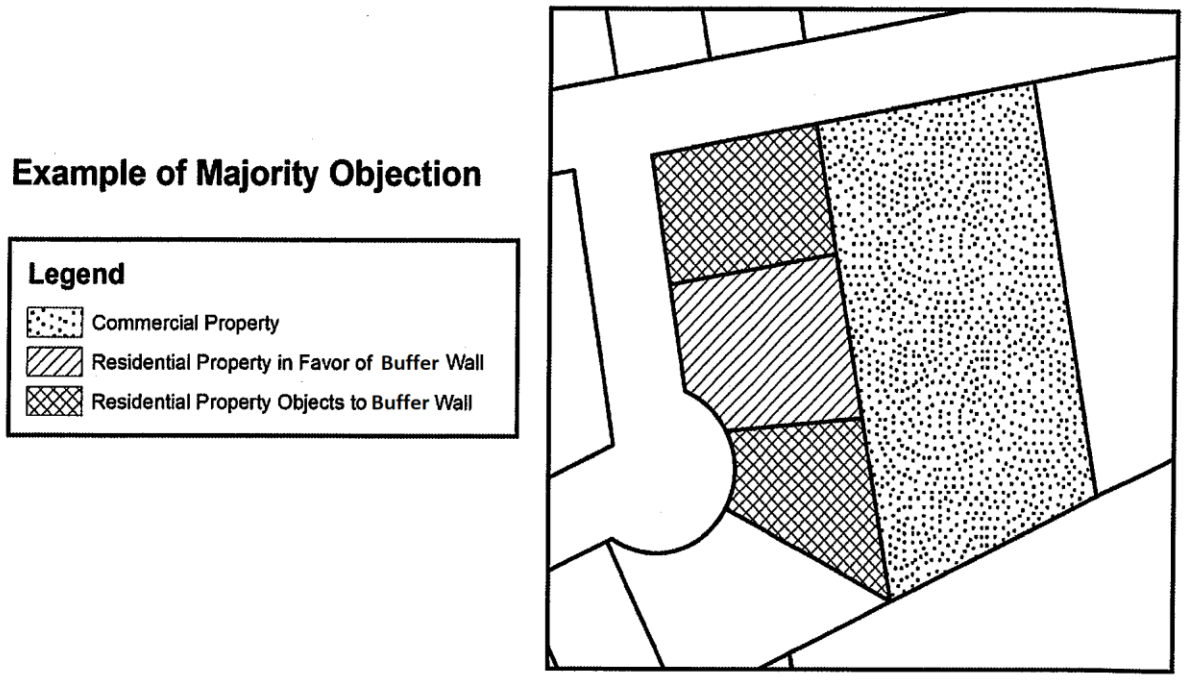
~~(1)~~(i) In the event that the owner(s) of the adjacent residential property intended to be protected object to the ~~masonry~~ residential buffer wall, they may submit their objection in writing to the planning and community development department. Upon receipt of the written objection, the planning and community development department will authorize an exemption from the requirement that a ~~masonry~~ residential buffer wall be erected for that single property line.

~~(2)~~(ii) In order to maintain ~~fence~~wall design consistency in the event that multiple single- or two-family residential properties abut the multifamily or non-residential development along a single linear property line:

- All owners of property adjoining a single linear property line of the exemption request shall be notified.

- A two-thirds (2/3) majority of the adjoining property line (measured in length of shared property line) must be represented by written opposition from the adjoining property owners in order for the ~~masonry~~ residential buffer wall exemption to be administratively authorized along that linear property line.





~~(3)~~(iii) Before a certificate of occupancy (C of O) can be issued for any subsequent commercial/multi-family development, any previous exemption from the ~~masonry~~residential buffer wall requirement is voided and must be re-evaluated.

Maintenance. Any fence or wall erected by the commercial or multi-family development, regardless of material used, must be maintained by the commercial or multi-family property owner/developer.

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