

## Chapter 144 Zoning

### 5.3. Landscaping, tree preservation, public trees, screening, fences, buffering and lighting.

#### 5.3-2. *Fences and Walls.*

(a) Maximum height of fence or wall:

(1) Non-residential and multifamily: 8 feet.

(2) 1 or 2 family: 8 feet.

Ornamental features may be placed on top of the screening fence or wall so long as the features obstruct less than 50% 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% open, in which case the fence may be 4-½ 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.

(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) 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 wall must be installed and maintained by the commercial/multifamily property owner/developer as a buffer between the properties and must be consistent with any pre-existing masonry wall.

Exemption.

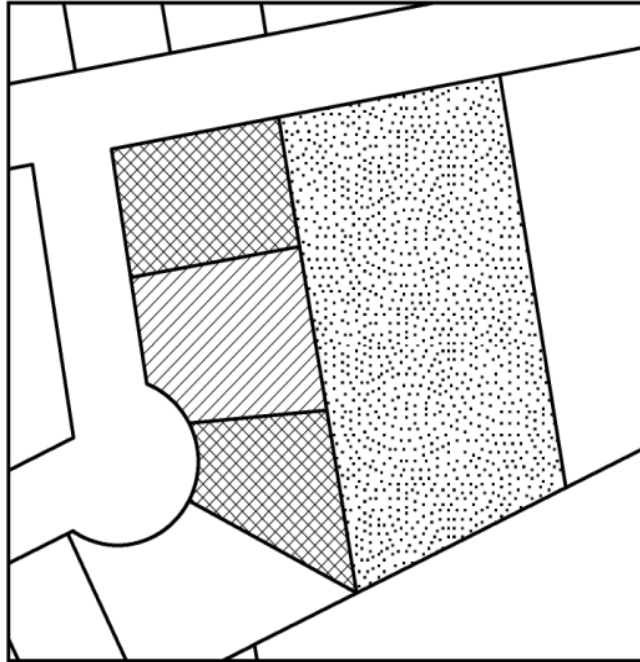
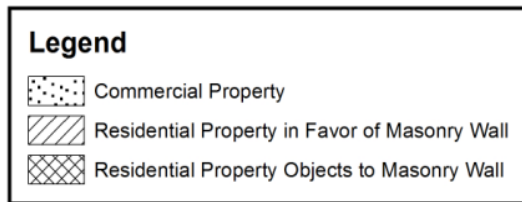
1) In the event that the owner(s) of the adjacent residential property intended to be protected object to the masonry wall, they may submit their objection in writing to the Planning and Community Development Department. Upon receipt of the written objection, the Planning and Community Development Department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

2) In order to maintain fence 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:

A 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 wall exemption to be administratively authorized along that linear property line.

Illustration 16 Example of Majority Objection

### Example of Majority Objection



(3) Before a certificate of occupancy (C of O) can be issued for any subsequent commercial/multi-family development, any previous exemption from the masonry 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.

- (i) The front, side or rear yard of a park may include a fence or wall no taller than 36 inches unless the fence or wall is at least 50 percent open. Solid walls in existence at the time of the adoption of this section (March 24, 2014) are allowed to be reconstructed within 12 months of damage or removal. This does not preclude the construction of a solid fence or wall along the shared property line of property used or zoned for single or two-family residences when the residential property is within 175 feet of an arterial roadway.