
Sec. 27-1209. Fences, walls and hedges.

A. *Applicability.*

1. Fences, walls, and hedges may be erected or maintained in any zoning district provided the height, setback, and material provisions outlined below are followed and a permit is secured.
2. "Fence" for the purposes of this section means any fence, wall or hedge.
3. No fence shall be erected or maintained in a public right-of-way.
4. All fences over thirty-six (36) inches in height and equal to or less than seven (7) feet in height shall require a permit from the planning division. Fences over seven (7) feet in height may require a permit from the Building Division.

B. *Height.* Height, for the purposes of this section, shall be defined as the vertical distance from the top rail, board or wire to the ground directly below as measured inside the fence.

C. *Setbacks required.*

1. *Front yard.* The maximum height for fences, walls, or hedges in a required front yard setback is four (4) feet. Front yard setbacks are defined in the applicable zone district.
2. *Side and rear yards.*
 - (a) Fences, walls, or hedges between a height of four (4) and six (6) feet may be erected or maintained in any side or rear yard setback. Fences may not block a clear vision area pursuant to subsection 27-1802.H.
 - (b) Any fence, wall, or hedge in excess of six (6) feet shall meet all of the yard setback requirements for structures as defined in the applicable zone district and will require a building permit.
3. *Exceptions.* The setback requirements described above shall not apply in the heavy commercial (CX), EBURD-CW, EBURD-IS, light industrial (I1), or heavy industrial (I2) zones.

D. *Setbacks for clear vision areas.* No fence, wall, or hedge greater than thirty (30) inches in height may be erected or maintained within a clear vision area in any zone district, pursuant to subsection 27-1802.H.

E. *Materials.*

1. *Residential and commercial zones.*

- (a) *Generally.* All fences in residential, and commercial zoning districts shall be constructed from materials which are commonly used for fencing.
 - (1) Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work.
 - (2) Prohibited materials: Railroad ties, intact wood pallets, tires, or rubble.
 - (3) Salvaged material that do not meet one of the commonly used fence materials identified above are generally prohibited except as provided in this section. Salvaged material may be used for fencing where:
 - (i) The appearance of the completed fence is substantially similar to and consistent with the design of a fence constructed of commonly-used materials,
 - (ii) The salvaged material fence is constructed according to generally applicable fence construction standards, and

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- (iii) The salvaged material is in good repair and capable of long-term maintenance by the property owner.
 - (4) Materials not listed are subject to special review.
 - (b) *Bufferyard fencing.* Required bufferyard fencing may be constructed of any of the materials identified in subsection E.1(a) along with powder-coated or vinyl coated chain link fence.
 - (1) Where an opaque screening fence is required between uses—such as residential next to heavy commercial or industrial—solid vinyl, wood or similar solid fencing, or powder-coated or vinyl-coated chain link fence with opaque (solid) inserts shall be installed.
 - (2) An existing fence of the proper height and materials that is located on the property line where a bufferyard fence is required may be retained. Where an existing fence is not compliant with this section, the property owner who is required to install the bufferyard fence shall replace the existing fence with a compliant fence.
 - 2. *Industrial zones.* All fences in industrial zoning districts shall be constructed from materials commonly used for fencing and shall not be constructed from railroad ties, intact wood pallets, rubble, or salvaged material.
 - (a) Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work, finished or coated steel or aluminum building panels.
 - (b) Barbed wire is only permitted where an eight-foot tall fence is permitted. The barbed wire must be placed on top of the fence and must be located a minimum of eight (8) feet from the ground. Electric fencing is not permitted.
 - (c) Materials not listed are subject to special review.

(Ord. No. 21-5748 , § 3(Exh. A), 1-25-21; Ord. No. 22-5807 , § 3(j), 5-9-22)