

## ARTICLE EIGHT Unified Development Code

Adopted: July 7, 2015



### Section 8.11 - Fencing Requirements in Residential Zoning Districts

- A. A fence permit shall be required for ~~any new fence construction or replacement of an existing fence.~~  
the following:

1) All new fence construction.

2) The replacement of an existing fence of more than eight (8) linear feet being replaced in the same location.

3) The relocation of any portion of fencing regardless whether the same panels are being used.

A permit is not required for replacement of posts or hardware if there is no replacement of panels.

- B. When sixty percent (60%) or greater of the total linear feet of a Legal Non-Conforming fence, the fence shall adhere to the standards of the current applicable Code.

- C. All fences shall be kept in good repair and shall not create urban blight. Dilapidated fences shall be repaired or replaced in accordance with provisions of this Code. Fences may be painted or stained with natural wood colors. No bright unnatural colors are allowed. Entire fence must be a consistent color.

- D. Fences shall be constructed of wood, ornamental metal, tubular steel, masonry, masonry facade, or live material, or a combination thereof. Vinyl fencing is strictly prohibited. Steel posts set in concrete are required for all wood privacy fences. The Planning Manager, Community Development Director or his/her agent may consider alternative fencing material for residential-zoned properties on a case-by-case basis. Vinyl fencing is strictly prohibited. Chain link fencing is prohibited in all zoning districts unless approved by the City Council as a special exception. Existing chain link fences may be replaced with a permit. All new or replacement chain link fencing shall be vinyl clad in black or green. Chain link fencing may be allowed on a temporary basis for construction purposes or special events.

- E. All replacement privacy wood fences adjacent to a thoroughfare, as shown on the Thoroughfare Plan, shall be constructed of Cedar material with metal posts set in concrete and Cedar top and bottom caps. The fence shall be stained with Ready Seal or an equivalent wood sealant material. All new wood fences and replacement of fences more than sixty percent (60%) of total permitted adjacent to thoroughfares linear feet shall comply with this provision (Section 8.17 Figure 19).

- F. Fences for non-residential uses allowed in residential districts such as schools and churches shall be ornamental metal, tubular steel, masonry or a combination thereof. Vinyl fencing is strictly prohibited. No wood or chain link fencing shall be allowed unless specifically approved on a site plan by the City Council.

- G. Chain link fencing shall not be allowed for perimeter fencing and shall not be visible from the street is prohibited in all zoning districts. Vinyl-clad chain link fencing may be allowed considered for fencing of dog runs, tennis courts, etc the following:

1. Fencing of dog runs and athletic enclosures; the fence shall be vinyl clad in black, green or tan and must not be seen from the street. The maximum height for athletic enclosures may not exceed ten feet (10').

2. Existing chain link fencing if no more than sixty percent (60%) of the fence is being replaced and no other replacement of fencing has been done in the previous twenty-four (24) months.

3. Galvanized chain link fencing may be allowed with a permit on a temporary basis for construction purposes or special events and must be removed before the request of the final inspection of the building and/or site at the end of the special event, respectively.

Commented [MH1]: P&Z and City Council requested clarification as to when a permit is needed.

Commented [MH2]: Clarification that small repairs that have no panels does not require a permit.

Commented [MH3]: Addresses a concern of multi-colored fencing when replacing only a portion of fence.

Commented [MH4]: Our fence contractors have stated there are many variables when determining depth of concrete, therefore no language was inserted regarding depth standards.

Commented [MH5]: P&Z requested that vinyl fencing be prohibited.

Commented [MH6]: This expounds on materials allowed based on past variance requests. Steel posts for privacy fences was added at the request of City Council.

Commented [MH7]: This ordinance was relocated for flow. "privacy" was clarified because steel posts would not apply for an open wood fence, i.e. a split rail fence. "with metal posts" was deleted because it is addressed in the above ordinance (C). Clarification was made to reflect the spirit of the ordinances regarding replacement of fences on thoroughfares.

Commented [MH8]: Chain link fencing is addressed in the section below.

Commented [MH9]: Clarifies location and purposes of allowable chain link fencing.

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~~HF. No barbed wire, chain link, or electrical fencing shall be allowed except as used for farm or ranching purposes on undeveloped land over two (2) acres in area. Barbed wire, electrical fencing, slickwire, pipe fencing, pipe and cable fencing, and utility fencing panels or any combination thereof may be used for farm or ranching purposes on land over two (2) acres in area. New barbed wire and electrical fencing is not permitted. Replacement of existing barbed wire or electrical fencing may be considered if no more than sixty percent (60%) of the fence is being replaced and no other replacement of fencing has been done in the previous twenty-four (24) months.~~

**Commented [MH10]:** P&Z recommended keeping the barbed wire and electrical fencing and adding pipe fencing to the code.

**Commented [MH11]:** Clarification of materials and replacement schedule for Ag fencing for two (2) or more acres.

~~IG. The maximum height requirements, as measured from the grade of the property, shall be as follows for lots other than corner lots:~~

~~1. Thirty-six inches (36") for front yard and side yard or in front of the main structure in SF-8.4, SF-10, SF-12, and SF-15 zoning districts and is constructed of split rail, open wood, ornamental metal, tubular steel, or similar open-faced material.~~

**Commented [MH12]:** Clarification of fencing materials and height, and in which zoning districts this applies.

~~2. Five-Six feet (56') for front yard and side yard or in front of the main structure in SF-20, SF-25, SF-30, and SF-36 zoning districts if lot size is an half-acre (21,780 sq. ft.) or greater and is constructed of split rail, open-style wood, ornamental metal, tubular steel, or similar open-faced material, or any combination thereof. Vinyl fencing is strictly prohibited. Fences located in these zoning districts may also use open-style wood fencing with a thin-gauge wire screen attached directly behind the wood. Corner lots are required to have a visibility triangle in accordance with this Code (see Section 8.08.I.b).~~

**Commented [MH13]:** P&Z requested that vinyl be prohibited.

~~a) Drive gates at the street are permitted for properties in SF-20, SF-25, SF-30, and SF-36 zoning districts where lot size is an half-acre (21,780 sq. ft.) or greater and fencing is installed in the front and/or side yards. Such gates must adhere to the following criteria:~~

**Commented [MH14]:** Clarification of fencing materials and height, and in which zoning districts this applies. The height was raised (back to) six feet (6') (no reasoning could be found for lowering the height to 5') in certain zoning districts with half-acre or more if fence is open and requires a visibility clip on corner lots.

~~1. Swinging drive gates must swing in towards the property and not out towards the street and~~

~~2. All drive gates directly adjacent to a street must be inset for a minimum distance of twenty-five feet (25') from the edge of the curb or pavement and~~

~~3. All drive gates directly adjacent to a thoroughfare as shown on the Thoroughfare Plan must be inset for a minimum of fifty feet (50') from the edge of the curb or pavement.~~

**Commented [MH15]:** Requires drive gates to allow for off-street parking while waiting to open for safety purposes.

~~3. Eight feet (8') for side or rear yards not adjacent to any street, park, or trail.~~

~~4. Six feet (6') for side or rear yards adjacent to any street, park, or trail.~~

~~5. Special exceptions for fence heights over these maximums may be made for properties of exceptional topography or necessary finished floor elevations to aid in screening when standard fence heights are inadequate. This determination will be made by the DRC. Decisions of the DRC may be appealed to the City Council for a final decision. Director of Community Development or his/her designee.~~

**Commented [MH16]:** Moves request for taller fences due to topography to the discretion of the CD Dir. or his/her designee.

~~JH. The height of a fence adjacent or perpendicular to a screening wall shall not exceed the height of the subdivision's screening wall or any other fence constructed by the developer at the time of initial development. Corner lots shall comply with the following requirements:~~

**Commented [MH17]:** Clarification of corner lots.

~~1. The location of fences for corner lots adjacent to a street shall be in accordance with the building setback line as shown on the final plat. If a property is not platted, the location of fences shall comply with the building setback requirements of the zoning district that the property is located in. The distance for corner lots may be reduced to eight feet (8') from~~



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~~the property line if the fence is constructed of ornamental metal, tubular steel, or similar material. Live screening is allowed outside of the fence and must have a vision clip so as not to impede the vision of traffic.~~

**Commented [MH18]:** Adds a requirement for a vision clip for live screening outside of an ornamental fence that is beyond the building line on a corner lot.

~~2. If a corner lot is adjacent to a subdivision's screening wall, a private fence may be placed beyond the required setback line in order to align with the subdivision screening wall. In such cases, the fence shall meet all other requirements of this Code.~~

**Commented [MH19]:** Clarification and relocation of a current code.

~~3. The height of a fence adjacent or perpendicular to a screening wall shall not exceed the height of the subdivision's screening wall or any other fence constructed by the developer at the time of initial development.~~

**Commented [MH20]:** Clarification and relocation of a current code.

~~IK. All fences in or adjacent to parks, or open space and common space areas, drainage easements and drainage ways (including floodplains and floodways) shall be constructed of an open style fence and may be constructed of masonry, ornamental metal, tubular steel, or similar material. Masonry or masonry facade columns may be considered in conjunction with one of the aforementioned materials; such columns require the approval of the Public Works Director or his/her designee when requested in or adjacent to a drainage easement or drainage way. Wood fencing shall not be allowed immediately behind the required open fencing. The DRC may approve cedar wood fencing adjacent to private trail connections or private open spaces within a development.~~

~~IL. Allowable wood fences adjacent to streets, schools, parks, alleyways, or other public spaces shall have the finished side facing the public space. All fence posts and structural components shall be placed on the interior of the lot.~~

**Commented [MH21]:** Clarification of the spirit of the ordinance (alleyway was intended in the term "public space").

~~K. All replacement wood fences adjacent to a thoroughfare, as shown on the Thoroughfare Plan, shall be constructed of Cedar material with metal posts and Cedar top and bottom caps. The fence shall be stained with Ready-Seal or an equivalent wood sealant material. Any new wood fences permitted adjacent to thoroughfares shall comply with this provision (see Section 8.17 Figure 19).~~

**Commented [MH22]:** Relocated for flow.

~~L. Corner lots or double frontage lots shall comply with the following requirements:~~

~~1. The location of fences for double frontage lots or corner lots adjacent to a street shall be in accordance with the building setback line as shown on the final plat. If a property is not platted, the location of fences shall comply with the building setback requirements of the zoning district that the property is located in. The distance may be reduced to eight feet (8') from the property line if the fence is constructed of ornamental metal, tubular steel, or similar material with live screening.~~

**Commented [MH23]:** Relocated for flow.

~~2. If a corner lot is adjacent to a subdivision's screening wall, a fence may be placed outside the required setback line. In such cases, the fence shall meet the above requirements.~~

~~3. In subdivisions where a fence has been legally permitted to be five feet (5') from the property line, the immediate adjacent lot may also construct the same type fencing to be flush with the existing fence.~~

### MM. Swimming Pool Fences

Swimming pool fences shall comply with the following requirements:

1. Swimming pools shall have a fence of a minimum of four feet (4') in height with self-closing, self-latching gates. Openings in the fence shall not allow passage of a 4-inch-diameter sphere.
2. A dwelling, accessory building, or apartment building may be used as part of a fence enclosure, provided that all entrances into the swimming pool area or court are equipped with gates as described herein, or doors with latches or locks.
3. The fence may be constructed of wood, ornamental metal, tubular steel, or other approved material. ~~Chain-link fencing shall not be allowed unless it is completely contained within the lot and is not visible from any street or adjacent property.~~

**Commented [MH24]:** The last sentence was deleted because it is addressed above (C).

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N. Temporary Construction Fences

Temporary Construction fences shall comply with the following requirements:

1. Galvanized chain link fencing is allowed on a temporary basis with a permit for non-residential projects and residential projects of five or more lots while under construction, with a permit.

2. Fence wrap (mesh screening) 80 % or greater opacity is required in conjunction with chain link fencing on the following types of projects:

a) Non-residential projects;

b) Residential subdivision projects of five (5) or more lots;

c) All projects which are adjacent to or visible from a thoroughfare.

3. Advertisement may be allowed to be printed on fence wrap in lieu of a Development Sign and must be listed on the fence permit application. Proposed advertising graphics shall be included as part of the permitting process for the fence wrap and chain link fence. If mesh screening is utilized for advertisement, a development sign is not required.

**Commented [MH25]:** New regulations to promote safer construction sites.

**Commented [MH26]:** Allows clear advertisement of the project on required fence wrap in lieu of a development sign.

O. Special exceptions may be considered by a variance request. The Planning and Zoning Commission (P&Z) will make a recommendation to City Council to approve or deny the request. The City Council will render the final decision.

**Commented [MH27]:** Provides an avenue to request a variance to the ordinances. Will eventually be moved to ZBA.