



## BUILDING INSPECTION DEPARTMENT Fence Regulations

**Permit Required.** A fence permit is required to erect, move or replace an existing perimeter fence or repair twenty-five (25) percent or more of an existing perimeter fence. No perimeter fence or wall shall be erected unless a permit for such purpose shall have been issued by the Zoning Inspector. An application for such a permit shall be made in writing on a form approved by the Zoning Inspector and shall be accompanied by the following:

- 1) A site plan showing the actual shape and dimensions of the lot on which such fence is to be constructed; showing the exact location, height, and length of the proposed perimeter fence, and showing the location of all structures located on the lot.
- 2) A drawing or specification sheet showing the design, and construction materials of the proposed fence or wall.
- 3) A fence permit fee in the amount of \$25.00.

**Definitions.** For the purpose of section 1289.04 the following terms shall have the definitions as described below.

- (1) **Fence.** For this section, the term fence means either a Perimeter Fence or an Accent Fence.
- (2) **Perimeter Fence.** Any structure composed of wood, iron, steel, stone, brick, hedge or other material, including shrubbery, located on a lot line or within six (6) feet of lot lines and erected in such a manner and position as to enclose or partially enclose any premises or part of any premises or separating premises from adjoining premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such a position as to enclose any premises or part of any premises shall be included within the definition of the word fence.
- (3) **Accent Fence.** Structures erected other than on lot lines or in close proximity to lot lines which have solely an ornamental purpose, and which do not serve the purpose of enclosing or partially enclosing premises or of separating premises from adjoining premises. Accent fences are typically short runs of fencing consisting of one or two section of fence and used in an ornamental manner to define such items as the edge of a walk way, the edge of an at grade patio, etc.

### General requirements for all fences.

- (1) All permitted fences shall be uniformly constructed of any commonly used fence or wall materials, such as: masonry, wood, chain link, wrought iron, vinyl or aluminum.
- (2) All fences shall be constructed with the smooth, finished side of the fence facing outward toward the neighboring property and all vertical or horizontal support posts facing inside the property.
- (3) The bottom of all fences shall be kept six (6) inches above drainage swales or watercourses.
- (4) Fences that are painted or stained shall be painted or stained one continuous color.
- (5) If a new fence is being constructed in the same location as an existing fence, the existing fence shall be removed in its entirety. This provision is meant to prevent a situation where a double fence row exists on an individual property.
- (6) No fence shall be erected where it prevents or unreasonably obstructs the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the Zoning Inspector may require a fence to be set back a minimum distance of not more than two (2) feet from a driveway or property line in order to provide for the safe passage of pedestrians, bicyclists or vehicular traffic or other safety related concerns.
- (7) All Class 1 fences where permitted by this section shall be subject to Site Plan Review by the Planning Commission as outlined in Chapter 1294.
- (8) Any Class 2 fence shall be permitted to have wire mesh installed on the interior side of the fence for a height of up to 36". Such wire mesh, or similar material shall have openings at least 1 square inch in size, shall be factory coated with vinyl or a similar material and shall be a dark color such as black, green, or brown.
- (9) All Class 3 fences shall be factory coated with vinyl or a similar material and shall be a dark color such as black, green, or brown. Uncoated or raw exposed metal is prohibited.

**Classification of Fences.** The following shall be the classification of fences and walls for this chapter:

Class 1: Masonry Walls. Free standing structures made of brick, stone, block, or similar masonry materials meant to enclose or accent an area. For the purposes of this section, a masonry wall does not include a retaining wall or any wall of a building.

Class 2: Ornamental iron, wood/vinyl pickets, wood split rail or similar style of fence (more than 50% open)

Class 3: Chain Link or similar woven wire, excluding chicken wire (more than 50% open).

Class 4: Wood or other materials (less than 50% open)

Class 5: Barbed Wire or similar security fencing

Class 6: Hedges

### Maintenance requirements.

- (1) All fences shall be constructed and maintained straight, plumb, structurally sound and of an even height along its length, except such deviations as required by grade. Such fences shall not be allowed to become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports or non-uniform height.
- (2) Missing boards, pickets or posts shall be replaced with material of the same type and quality.
- (3) Vegetation adjacent to the fence must be maintained cut and trimmed as appropriate. Any grounds between such fences and property lines shall be maintained at all times and kept free from growing or noxious vegetation.
- (4) Any landscaping required by this section shall be maintained in good, healthy condition at all times. Any dead, dying, or diseased plant material shall be replaced within 3 months of its removal

### Placement of Fences.

- (1) Perimeter Fences are permitted to be constructed on the property line and if not on the property line a minimum two (2) foot set back from the property line is required to allow for adequate maintenance of the fence and yard area falling outside the fenced area. It shall be the duty of each property owner to determine property lines and to ascertain that the fence thus constructed does not

deviate from the plans as approved by the Zoning Inspector and the fence does not encroach on another lot or parcel of land. The issuance of the permit by the city shall not be construed as to mean the city has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on him/her to determine the location of property lines.

- (2) Fences may be located within easement areas, provided proper permission has been granted from the utility provider for which the easement has been dedicated.

Intersection Visibility. On corner lots no fence or wall shall be erected, placed, or maintained within the triangular yard space formed by the intersecting street centerlines and a line joining points on such street centerlines fifty (50) feet from the point of intersection of the street centerlines unless reviewed and approved by the City Engineer.

Swimming Pool Fences. Permanent fencing and gated enclosures are required for all pools in the city. Fence design shall not produce a "ladder" effect on the outside of the fence facing away from the pool that could aid in unauthorized climbing. Pool fences must include at least one gated exit with a minimum width of thirty-six (36) inches wide. This exit must open outward and be self-closing and self-latching. The minimum height of pool fences shall be four (4) feet.

Fences Associated with Play Areas. Chain link, wire or similar fencing up to twelve (12) feet in height may be allowed around part or all of tennis courts (public or private) or on public parks and playgrounds.

Location of Fences.

- (1) Fences within any Residential (R), Office Residential (OR), or Office Service (OS) Zoning District shall conform to the following requirements.

A. Section 1289.04(f) applied to all fences

B. Front Yard. No Perimeter Fence is permitted. Class 1 and 2 fences are permitted as Accent Fences provided they are not taller than forty-two (42) inches in height.

C. Side Yard. Class 1, 2, 3, and 6 Perimeter Fences and Accent Fences are permitted with a maximum height of forty-eight (48) inches with the exception of Class 1 fences which are limited to thirty-two (32) inches in height.

D. Corner Side Yard. Class 1, 2, 3, 4, and 6 Perimeter Fences and Accent Fences are permitted with a maximum height of six (6) feet with the exception of Class 1 fences which are limited to thirty-two (32) inches in height.

1. No Perimeter Fence shall be installed further forward than the front wall of the structure on the corner side yard. Accent Fence may be installed between the structure and the right-of-way on a corner side provided any such fence in accordance with section B above.
2. Landscaping is required for any Class 4 fence or any fence taller than forty-eight (48) inches that is facing a public right-of-way. The landscaping shall be planted within six (6) feet of the fence and be located on the right-of-way side of **the fence**. The landscaping shall consist of at least one (1) shrub, tree or similar plant material every four (4) feet on center running the entire length of the portion of fencing that faces the public right-of-way. The plant materials shall be of a variety that, at maturity, has a height of not less than forty-eight (48) inches and a spread of not less than twenty-four (24) inches. The plant material shall be at least eighteen (18) inches tall at the time of planting. The intent of the landscaping is to obscure or soften the view of the fence from the right-of-way.
3. When the corner side yard abuts a residentially zoned or used property no Perimeter Fence greater than forty-eight (48) inches in height can be erected further forward than the abutting properties front yard, or the front setback line if the abutting property is undeveloped.

E. Rear Yard. Class 1, 2, 3, 4, and 6 fences are permitted with a maximum height of six feet. Any fence located adjacent to an alley shall maintain a three foot setback from the property line adjacent to such alley.

Yard Types Illustration

