

7.6. Fences, Walls and Berms

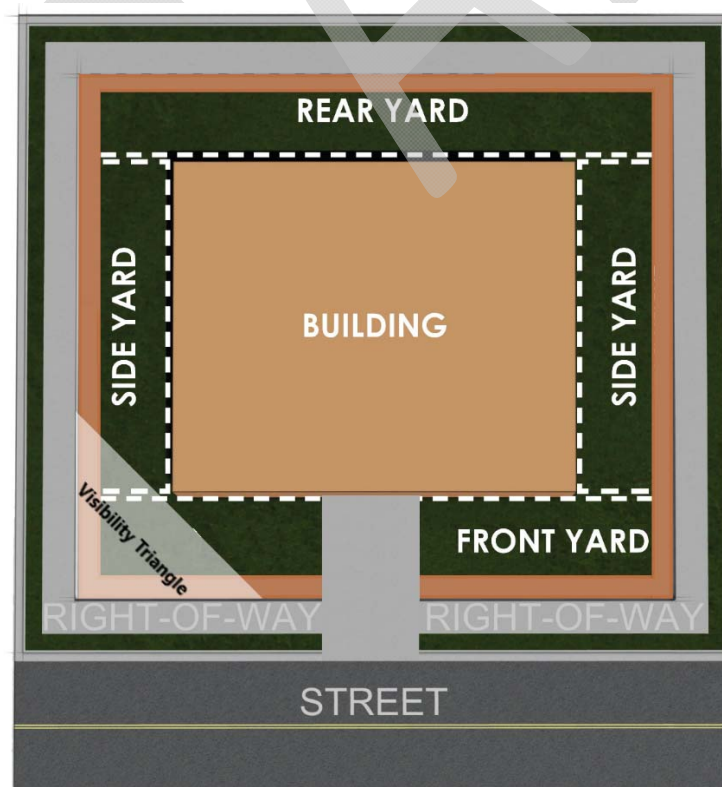
Design Alternatives Vs Variances Discussion Item

7.6.1. General Applicability

For the purpose of this Section, fences, walls and berms are all considered to be free standing elements that are not structural elements of a building.

- A. Permit Required.** Fences and walls, whether required by this LDC or option, shall require a permit unless otherwise stated below.
 - 1. Exceptions.** The following fences do not require a permit:
 - a. Internal garden area fences in residential districts.
- B. Required Yards.** Fences, walls and berms may encroach into required yards. Fences, walls and berms greater than three feet in height are not permitted in waterfront yards, except that seawalls are permitted in waterfront yards.
- C. Required Setbacks.** Fences, walls and berms are exempt from setback requirements. However, a berm may not be constructed in a manner that any portion of berms slopes extend over the property line.
- D. Right-of-Way.** No fence, wall or berm may encroach into a public right-of-way or inhibit visibility triangles. Fences and walls shall not block any required ingress or egress point.

Fig. 7.6.1.1. Visibility Triangle



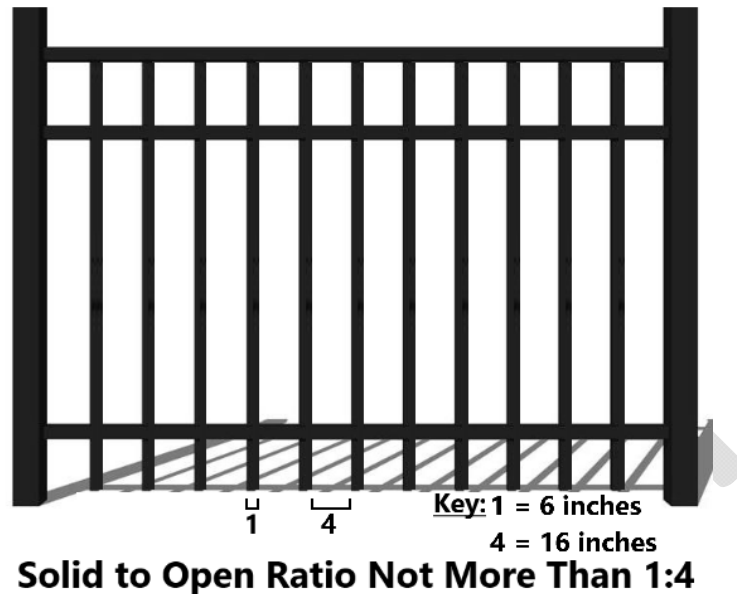
- E. **Maintenance.** Fences, walls and berms must meet property maintenance standards set forth in Chapter 88. All fences, walls and berms must be maintained. Any damage or deterioration due to age, damage, neglect, or weather must be repaired.
- F. **Measurement of Height.** The height of all fences and walls shall be measured from 1) the existing natural grade upon which the structure to be measured sits, or 2) the finished grade at the time platting. Where the existing grade of one lot has been modified due to FEMA regulations, measurement shall be made from the mid-point of the existing grade and the FEMA required minimum grade.***Highlighted for policy discussion***. An additional maximum one foot of height may be permitted for decorative details including posts, columns, light fixtures and the like.

7.6.2 Fences and Walls Material and Design Standards

- A. **Finished Sides.** All fences and walls shall be installed with the finished side facing towards the exterior or adjoining properties and rights-of-way.
- B. **Design.** Fences and walls shall comply with the design requirements established for the zoning district (if applicable).
- C. **Uniform Materials.** All fences and fence walls on each property must be of uniform materials, design, and color. A design alternative may be requested to allow for a combination of materials, design and color for already established architectural styles within a development.
 - 1. **Building Materials.** Fences and walls must be constructed of concrete, concrete block, brick, wood, decorative metal (aluminum, iron or steel) or vinyl materials. Unless required by law, no fence or wall may be constructed of non-traditional or dangerous fence or wall materials including but not limited to, barbed wire, razor wire, scrap metal, railroad ties, or any other material determined by the Director to be detrimental to the public health, safety and welfare. Fabric sheets or nets, or plastic, metal or vinyl sheets or slats may not be used as part of the fence or attached to a fence for the purpose of effecting privacy or required screening. A design alternative may be requested, to be approved by the Director, to use alternative materials that are:
 - a. Similar in appearance to the permitted building materials;
 - b. Provide equal or greater protection and general appearance than the permitted materials; and/or
 - c. More environmentally appropriate for uses near environmentally sensitive areas.
 - 2. **Columns.** Solid support columns not more than 16 inches in width or not less than eight-foot centers shall be allowed up to six feet in height and such columns may be topped with decorative elements up to a total height of seven feet on side and rear yards. Front yards shall be limited to 48 inches in height.
 - 3. **Chain Link and Similar.** Chain link, chicken wire, hardware cloth and other woven or mesh products are not permitted in required front yards in any district.

4. **Open Fences.** Open fences shall be defined as wood or metal picket, wrought iron, vinyl, or similar designs, with a solid to open ratio of not more than 1:4.

Fig. 7.6.2.1. Open Fence Ratio 1:4 (Illustrative Example)



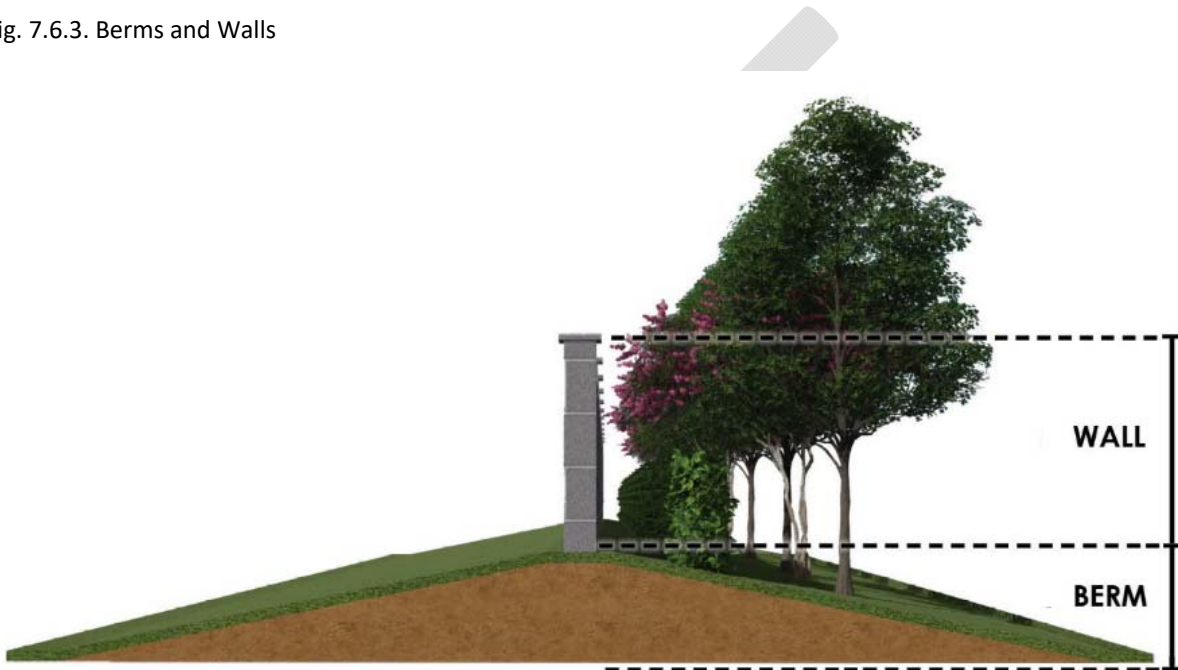
5. **Landscaping.** Excluding single family home properties, any wall or fence in excess of three feet in height shall provide at minimum, 20 hedge plants or accent plants along the wall or fence at a ratio of one hundred linear feet installed at a minimum height of 24 inches. If there is conflict with landscaping and buffering standards and requirements as set forth in Section 7.5 and 7.8 of this LDC, the stricter provision shall apply.
- D. **Architecture Control Districts and Mixed-Use Districts.** If a property falls within an architecturally controlled area *****Highlighted for policy discussion***** the finish of walls and fences shall be in accordance to Section 9.2. of this LDC.

7.6.3. Berms, Retaining Walls and Slopes

A. Design Standards. Berms, retaining walls and slopes shall conform to the following standards:

- 1. Berms In Required Yards.** Berms may be located in required yards and not exceed a grade of one foot of rise in three feet of length. Berms, which may also feature walls as permitted in Section 7.8. of this LDC, shall be landscaped and shall meet all landscape requirements as required in Section 7.5 of this LDC.
 - a. Height.** Berms shall not exceed a total of 10 feet above the toe of the berm.

Fig. 7.6.3. Berms and Walls

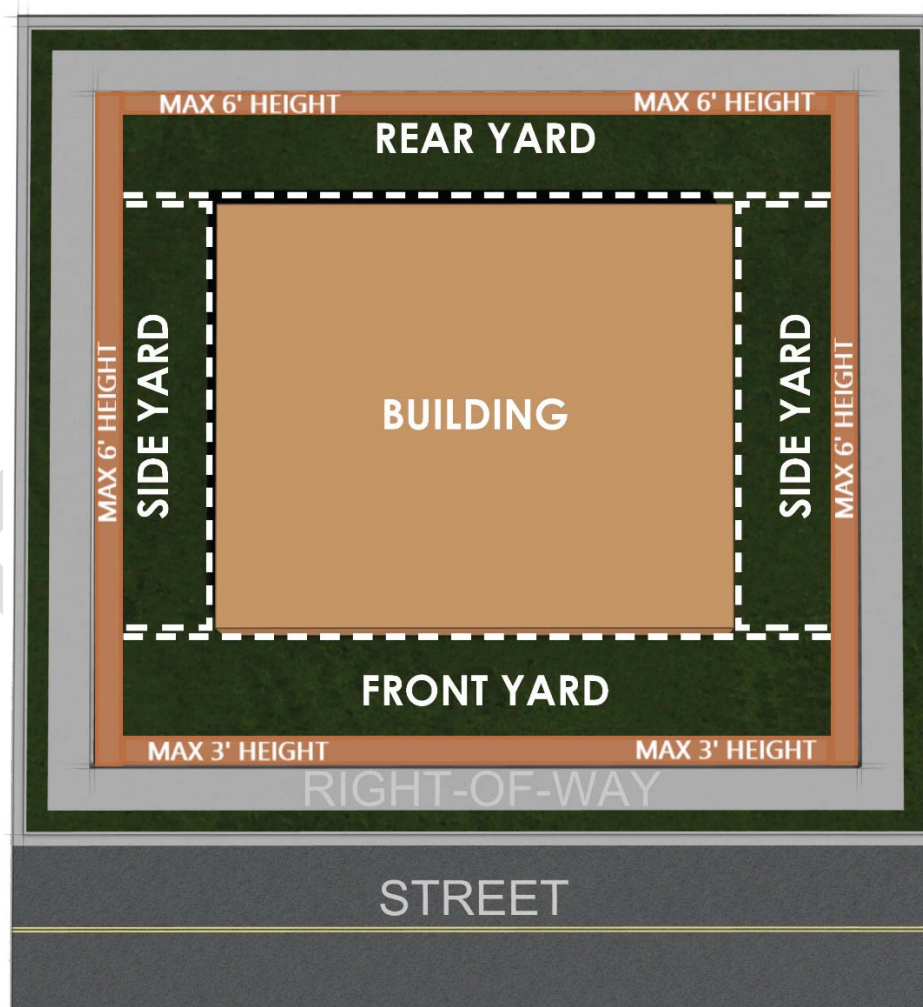


- 2. Retaining Walls In Residential Districts.** Within residential zoning districts, retaining walls are prohibited in required yards, except that sea walls are permitted in waterfront yards.
*****Highlighted for policy discussion*****
- 3. Slopes.** Within all residential zoning districts, the grade of slope in any require yard shall not exceed one foot of rise in four feet of length.

7.6.4. Height of Fences and Walls

- A. Single Family Residential Fence Height Requirements.** Fences and walls for single-family residential uses (including PUD single family use areas) internal to a property (i.e. not for required walls or fences for perimeter compatibility) shall meet the following requirements:
- 1. Street (Front) Yard Height.** Fences and walls along street (front) yard lot lines (or existing within any street yard) may be a maximum three feet in height; Open fences, as defined in Section 7.6.2.4) may be six feet in height.
 - 2. Side and Rear Yard Height.** Fences and walls along side and rear lot lines (or existing within the side or rear yard) may be a maximum six feet in height.
 - 3. Waterfront Yard Height.** Fences and walls along waterways (or existing within waterfront yards) may be a maximum three feet in height.

Fig. 7.6.4. Fence Heights



B. Nonresidential Districts, Planned Districts, Mixed-Use Districts, and Multifamily Residential Districts Height Requirements.

- 1. Height.** Height requirements for nonresidential, mixed-use and multifamily uses shall be as provided below:
 - a. All Required Yards Height.** Fences and walls may be a maximum six feet in height.
 - b. IND and PID Zoning Districts.** Fences and walls may be a maximum eight feet in height.
 - 2. Allowances for Additional Height.** A design alternative may per permitted when a greater height is necessary because of one of the following:
 - a.** An establishment with uses that require high fences to protect public safety.
 - b.** A requirement of a state or federal agency may be allowed subject to a height limit which may be imposed by the Director. Material and locational requirements of this Section may not apply, but, shall be landscaped.
 - c.** Additional height is necessary to meet or exceed the compatibility standards
 - 3. Recreation Uses.** Fences surrounding recreation uses such as tennis, pickleball, or other outdoor courts may be a maximum 15 feet in height. These fences may be of chain link or similar open materials to allow for visibility into the recreational area. For unique recreation uses in which pedestrian or spectator safety cannot be guaranteed with a maximum 15 foot fence, and which may require heights greater than 15 feet, a design alternative may be requested.
- C. Mobile Home and Recreational Vehicle Parks.** Fences installed on the perimeter of mobile home and recreational vehicle parks shall not exceed six feet in height. Screening fences, internal to the park, shall be installed and maintained around interior recreation areas, service areas, and trash collection areas and not exceed four feet in height.