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## *UDC 2021 Proposed Amendment*

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**Amendment X-X****Applicant: Development Services on behalf of Boards of Adjustments****Amendment Title – ‘Sec. 35-514 - Fences.’****Amendment Language**

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**(c) Height Limitation.**

- (1) Except for the provisions in section (b) above no fence shall exceed the following table of heights. In addition, the maximum permitted fence height shall not exceed that of the maximum permitted fence height for the abutting property except as provided in subsection (c)(2). The board of adjustment may allow fences of greater height by special exception, subject to section 35-399.04 of this chapter or by variance subject to Section 35-482 if the height of the fence exceeds that height allowances for a special exception. The height shall be the vertical distance measured from the lowest adjacent ground level (either inside or outside the fence) to the top of the tallest element of the fence material, excluding decorative features affixed to the top of any column, pillar or post. The height of any existing retaining walls, either an integral part of a fence or upon which a fence may be erected, shall be calculated in the height of the fence, except in the following instances:
  - A. The retaining wall is necessary for structural soundness/integrity of building construction on the lot; or
  - B. The retaining wall is abutting a drainage easement or drainage infrastructure.
- (2) Notwithstanding the provisions of subsection (c)(1), above, a fence may be erected or altered up to a height of eight (8) feet where:
  - A. The ground floor elevation of either the principal dwelling on the property or the principal dwelling on an abutting lot is at least four (4) feet higher than the elevation at the shared lot line; or
  - B. The fence is erected along a side or rear lot line which abuts an alley or a street with a classification other than a local street; or
  - C. The fence is a sound barrier or a security fence for a public or institutional use; or
  - D. The additional fence height is permitted by the city council pursuant to a rezoning or specific use authorization; or
  - E. The fence is located on a side or rear lot line of a single-family, duplex, or mixed-residential use which abuts a multi-family residential, commercial, industrial, or park use.
  - F. The fence is located in a side or rear yard of a single-family residential property that contains a swimming pool in the rear yard or in the side or rear yard of a single-family property that abuts one with a swimming pool.
  - G. F. In any side or rear yard where a slope is present, the height of a fence may be adjusted to allow the top of the fence to be level, and perpendicular to the support posts at a height greater than six (6) feet, provided that the height of the fence at the highest elevation does not exceed eight (8) feet. In order to maintain a uniform appearance, whenever a fence higher than six (6) feet is allowed by this subsection, all side and rear yard fences may be allowed up to eight (8) feet in height above grade.

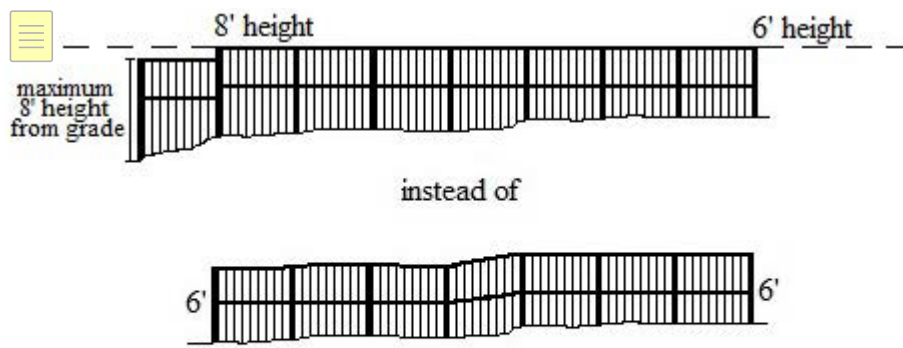


Figure 2: Example of Additional Height allowed pursuant to Section 35-514(c)(2)F.

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