

AMEND SECTION 1274.03(a)(2)(A)(1)(b) REGARDING THE PERMITTING OF FENCES ABUTTING PROPERTY LINES TO READ AS FOLLOWS:

1274.03 FENCES.

(a) Design Requirements. Fences, walls, hedges or similar barriers may be located so as to provide privacy or protection to property and shall meet the following design requirements:

(1) Height of fences.

- A. Front Yards and Corner Side Yards. Fences, walls, hedges, or similar barriers located in a front yard or corner side yard shall not exceed three feet in height, except as required for corner lots with regard to traffic vision clearance pursuant to Section 1274.04. Further, a fence along a sidewalk shall be placed at least two feet from the inside edge of the sidewalk. When fences, walls, hedges, or similar barriers are used in combination with earthen mounds as berms, the total height of the combined screening shall not exceed three feet. For purposes of this section, the front yard and corner side yard shall include all yard area between the right of way and the principal building's foundation line excluding porches (ref. Section 1240.01(a)(1)).
- B. Side and Rear Yards. In all districts except I Districts, fences, walls or similar barriers located in the side and rear yard shall not exceed six (6) feet in height. In Industrial Districts, fences, walls, or similar barriers located in the side and rear yard shall not exceed eight (8) feet in height. In all districts, when fences, walls, or similar barriers are used in combination with earthen mounds as berms, the total height of the combined screening shall not exceed the height permitted for fences.

(2) Location of fences.

Fencing shall be located entirely on the property for which the permit has been issued. Plans submittals shall be as follows in addition to meeting the requirements set forth in subsection (c).

A. Along Abutting Properties.

1. If less than 5 feet from property line, one of the following two requirements shall be met:

- a. The location of the property line shall have been determined and documented by a professional licensed surveyor, and the boundaries marked by pins or stakes; or
- b. Applicant shall have provided to the Building Department ~~(1)~~ a written signed statement that the proposed barrier location has been marked on the site and that the proposed location is available for viewing by abutting neighbors, ~~and (2) the abutting neighbors shall have submitted to the Building Department written approval of the location of the~~

~~proposed barrier after having been notified of the proposed location by whereupon~~ the Building Department shall send a notice by regular mail to the adjacent property owners giving them ten (10) business days to file a written objection to the staked location with the Building Department. If no written objection is received within ten (10) business days, the fence permit shall be issued subject to execution by the applicant of a certification acknowledging that they are responsible for ensuring that the fence is on their property and that the issuance of the fence permit authorizes construction of the fence but does not guarantee or certify the location relative to the property lines. (Email will be considered written objection provided it is sent to the Building Department).

2. If more than 5 feet from the property line, there are special location requirements.

B. Along Public Walks. A barrier along a public sidewalk shall be placed at least two feet from the inside edge of the sidewalk.

(3) Orientation of fences. The side of the fence closest to the adjacent property line and facing outward from the yard being fenced shall be the finished side. All structural members shall be on the interior side of such fence.

(4) Wire fences. Wire fences shall not be permitted in a front yard or corner side yard. Where permitted, wire fences shall be of the chain link variety only; no electrified or barbed wire fence shall be erected at any location.

(b) Maintenance and Repair. Fences, walls, hedges, and similar barriers, as well as the space between such fence, wall, hedge, or similar barrier and the lot line of an adjoining property, shall be kept in good maintenance and repair so as not to have a detrimental effect on surrounding properties, as determined by the Zoning Administrator.

(c) Plans and Permits Required. Any proposed fence, wall, hedge, or similar barrier that is to be installed at the time of a construction requiring a development plan shall be reviewed and approved by the Planning Commission as part of that development plan, as set forth in Section 1232.06. However, when a fence or wall is proposed at a separate time from any development or any new construction, additions, or site renovations, a fence or wall may be approved by the Zoning Administrator, provided that the applicant has (1) provided a detailed project plan showing that the requirements of this section have been met, and (2) completed a permit application and paid the fees per Chapter 1448.