

**SUMMARY OF KEY CHANGES PROPOSED BY
ORDINANCE NO. O-09-26
AMENDING CODE RELATING TO FENCE PERMITS AND
CONSTRUCTION-RELATED PERMIT FEES**

Fence Permit Regulations:

- **Condensed Title and Expanded Applicability Section.** The existing ordinance applies to the four (4) residential zoning districts listed in the ordinance title and in the applicability section, which does not include: (1) the recently established MH-1 and MH-2 zoning districts for manufactured homed subdivisions and parks; (2) detached residential dwellings on permitted mixed-use commercial and residential properties; or (3) non-conforming residential properties in a non-residential zoning district. The amended ordinance simply references “residential properties” in the title and the applicability section. The amended applicability section also includes a cross reference to the zoning code’s screening requirements for apartment complexes and the exterior parameters of manufactured home/RV parks.
- **Definition of Front Yard.** The definition now describes the area that would be considered the front yard for a detached residential dwelling on a permitted mixed-use commercial and residential property.
- **Survey Plat and Survey Stakes.** The existing ordinance requires a survey plat prepared by a licensed surveyor for every fence permit application. Survey plats can be costly and can result in a delay of months due to the shortage of licensed surveyors and the time required to prepare a plat. The amended ordinance will allow, when feasible, survey stakes placed on the property boundary lines by a licensed surveyor to be sufficient. A survey plat will be required only when the code enforcement officer or designee determines a plat is necessary to confirm the property boundary lines.
- **Fence Height and Privacy Panels for Side Corner Yards.** The existing ordinance limits fences for side corner yards to four feet (4’) in height and does not allow the solid area of the fence to exceed fifty (50) percent of the total area of the fence, which prevents six-foot privacy fences for a side corner yard. The amended ordinance will allow an exception for a six-foot (6’) privacy fence for only the portion of a side corner yard fence that is parallel to the residential structure. This will allow property owners and residents to maintain the privacy of this portion of their side corner yard without having to request a variance to the fence ordinance. This exception will still prevent a side corner yard fence from causing sight interference at a street intersection and will still not result in a “fortress” appearance along a side street, which was the intent of the current limits for side corner yards.

Permit and Inspection Fees.

- **Moving the Fee Section (5-600) to a New Article X.** The creation of new Article IX is a technical correction to move the current Section 5-600, Fees, which relates to fees for all construction-related permits and inspections and not just fence permits, from being an obscure section in the fence ordinance to being a separate article in Chapter 5 for ease of locating the fee table. No other changes were made to Section 5-600.