

## ARTICLE 9. - FENCES

### 9.1. - PERMITS REQUIRED.

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, replace, remove or demolish any fence regulated by this Article without first obtaining a separate permit for each fence from the Zoning Administrator. A fence permit shall be required other than for minor repair or painting as necessary.

### 9.2. - APPLICATION FOR PERMIT.

To obtain a permit required by this Article, the applicant shall first make application for a permit on a form furnished by the Zoning Administrator.

### 9.3. - PLANS AND SPECIFICATIONS.

Three sets of plans and such other data as deemed necessary by the Zoning Administrator shall be submitted with each application for a permit under this Article.

### 9.4. - INFORMATION ON PLANS.

Plans shall be drawn to scale and shall include the following:

- A. Building locations and area to be fenced;
- B. Legal description of land to be fenced;
- C. Height of fence and type of materials to be used;
- D. Intersections of streets, roads, highways, alleys and driveways;
- E. Zoning; and
- F. Corner "visibility range," when required, shall be shown.

### 9.5. - PERMIT ISSUANCE.

#### 9.5.1 *Application.*

The application, plans, and other data filed by an applicant for a permit under this Article shall be reviewed by the Zoning Administrator. If the work described in an application for a permit and the plans and other data filed therewith conform to the requirements of this Article and all other pertinent laws and ordinances, and the required fees have been paid, the permit shall be issued to the applicant.

#### 9.5.2 *Endorsement.*

The plans shall be endorsed by the City in writing and shall not be changed, modified, or altered without authorization from the Zoning Administrator, and all work shall be done in accordance with the approved plans.

### 9.6. - PERMIT EXPIRATION.

Every permit issued by the Zoning Administrator under the provisions of this Article shall expire by limitation and become null and void if the authorized work is not commenced within 60 days from the date of permitting, or if the authorized work is not completed, or is abandoned for a period of 60 days. Before the work can be recommenced, a new permit shall be first obtained and the fee shall be one half the amount required for a new permit for such work, provided the elapsed time does not exceed 180 days in which case the permittee shall pay a new full permit fee in order to renew the permit.

### 9.7. - PERMIT FEES.

The fee for each permit shall be established by the City of Diamondhead.

9.8. - GENERAL REQUIREMENTS AND RESTRICTIONS.

- A. Fences constructed on any lot, and specifically corner lots, will be subject to, and shall conform to the visibility range requirements contained in Section 5.4.3 Traffic Visibility across Corners of this ordinance. An additional clear zone may be required by the Zoning Administrator.
- B. No fence, guy wire, brace or post shall be constructed upon or extend over property that the City has control over, owns or has an easement over or under, except upon:
  - i. Underground drainage easements that contain non-pressurized storm sewer pipes if written permission is granted by all users.
  - ii. Underground sanitary sewer easements that contain non-pressurized pipes if written permission is granted by all users.
  - iii. Utility easements if written permission is granted by all users.
- C. No drainage easement, public or private, shall be fenced or obstructed in any manner, without prior written permission by all users. A gate shall be constructed in a fence along easements to allow ingress and egress for maintenance. If fences, landscaping material, and other appurtenances installed by the property owner in the easement must be removed by the city to service the drainage system, the cost of removal and/or replacement shall be the responsibility of the property owner.
- D. No fence shall exceed six (6) feet in height measured from the finished grade of the lot or property upon which the fence is being erected except as otherwise provided for in this Article. Moveable screening devices utilized to comply with the parking or storage regulations of this ordinance shall not be considered a fence for the purpose of these height restrictions.
- E. No fence erected within the City limits shall be electrically charged in any manner, without prior written permission by the City Council.
- F. No fence shall be constructed of barbed wire or other sharp, pointed material except on property utilized for agricultural purposes and is five acres or greater in size, or except as provided for in Subsection (H) of this Section.
- G. All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be three feet. A driveway approach shall be required for all vehicle gates.
- H. In C-1, C-2, T, and I zoning districts, fences shall not exceed six (6) feet in height, unless otherwise permitted by this ordinance, and may be constructed with angle arms at the top and such angle arms may be armed with barbed wire. Such arms shall not extend over public property, city, county, or state rights-of-way, easements or adjacent private property. Any property that requires a screening device shall conform to the general development ordinance. In the Public Facilities and Recreation (PFR) zoning district, fences shall not exceed six (6) feet in height unless otherwise permitted by the Zoning Administrator to meet the recreational needs and standards and for public safety concerns in parks which chain link may be utilized as the fence material.
- I. Construction material may be wood, vinyl, masonry, or other approved material except in the case where a screening device is required; in all such cases the City Zoning Ordinance requirements shall prevail. Chain-link shall not be used in areas that are zoned residential.
  - i. The finished side of the fence shall display toward the outside of the lot being fenced.
  - ii. All exposed structural members and cross bracing shall display internally on the lot being fenced.
- J. No fence shall be constructed in the required front yard building setback area of R-1, R-2, R-3, R-4, MH, C-1, C-2, T, I, PR, or PFR zoning districts. In the situation of a corner lot, each street-side frontage shall be considered as a front yard. In the case of the primary structure being set back further than the required front yard setback, no fence shall be constructed closer to the street than the building façade.

- K. In all zoning districts where outside storage of material, equipment, goods and supplies is allowed, all fencing shall comply with this ordinance.
- L. No fence shall be constructed upon any lot adjoining a golf course unless said fence complies with the following:
  - i. Fences shall be constructed entirely of ornamental metallic components with a black finish. Chain-link fencing is prohibited.
  - ii. Fences shall not exceed forty-eight inches (48") in height.
  - iii. The fence shall be set back from the property line adjoining the golf course a minimum of ten (10) feet.
  - iv. The fence shall not be opaque or of a solid construction to prevent one from seeing through the fence, as illustrated by the following image:

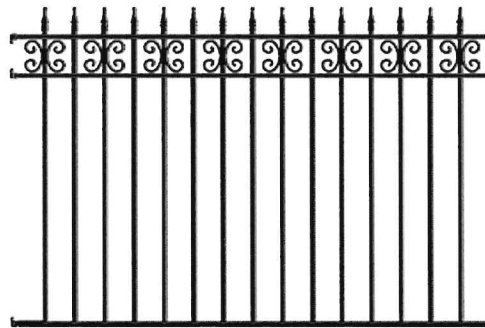
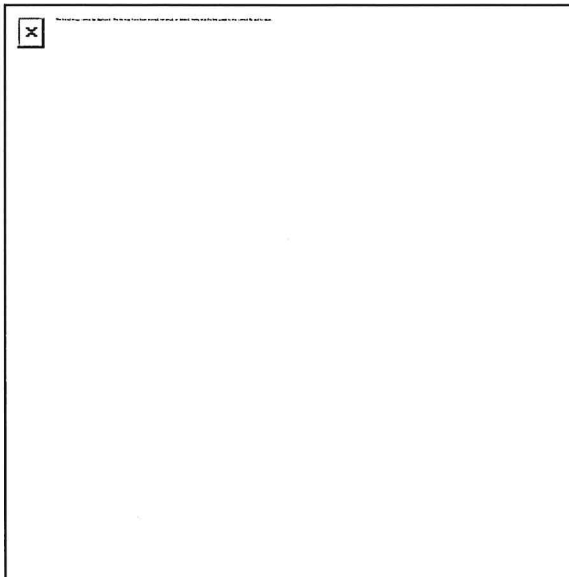


Image courtesy of: [www.amazinggates.com](http://www.amazinggates.com)

#### 9.9. - INSPECTIONS.

Upon completion of work authorized under this Article it shall be the duty of the permittee to notify the Zoning Administrator that such work is ready for inspection. Required inspections shall include:

- A. *Alignment inspection.* (To be made after all post or support structures are in place or to be made when the holes are dug before the posts are inserted or concrete is poured.)
- B. *Final inspection.* To be made after the fence has been completed.

#### 9.10. - MAINTENANCE.

- A. All fences, both existing and new, and all parts thereof, shall be maintained in a safe and aesthetically pleasing condition. Graffiti shall be removed immediately.
- B. The owner or his designated agent shall be responsible for the maintenance of the fence, and to determine compliance of this Section, the Zoning Administrator may cause any fence to be re-inspected.

#### 9.11. - VARIANCE.

Variations shall be administered in accordance with Section 2.6, Variance Procedure.