

CHAPTER 7

FENCES AND RETAINING WALLS

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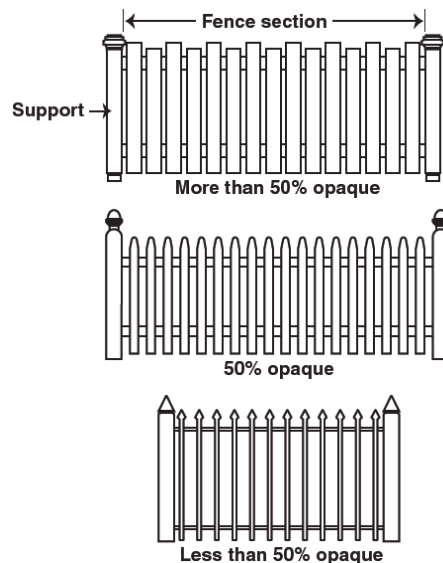
9-7-1: DEFINITIONS:

Decorative Fence: A stylized, non-chain link metal fence.

Fence: Any partition, structure, wall, gate, or other object erected as a divider marker, physical or visual barrier, or enclosure located along a property line or within a yard. A hedge or natural vegetation does not constitute a fence.

Fence Height: Vertical measurement from grade to the top of the panel.

Fence Opacity or Opacity: The degree to which light or views are not able to be seen through a fence; not transparent.



Fence Posts: May extend no more than six inches above the top of the panel.

Gate: A hinged barrier used to open and close a fence. Gates may not exceed the heights of the fence.

Picket Fence: A wooden fence built such that it is 50% or less opaque.

Privacy Fence: A fence more than 50% opaque used for screening of outdoor living areas and for enclosures where restricted visibility or protection is required or desired.

Residential Properties: They include, but are not limited to, attached and detached single-family homes, duplexes, condominiums, and multi-family dwellings.

Retaining Wall: A structure constructed to hold back or support an earthen bank.

9-7-2: SCOPE:

The provisions of this Chapter supplement the provisions of Title 10 of this Code relating to fences and retaining walls.

9-7-3: PERMITS:

A. Residential Properties: The construction of fences over six feet above grade are not allowed. The construction of fences six feet above grade or less shall require a fence permit.

B. Commercial and Industrial Properties: Fences on commercial and industrial property may be erected to a height of six feet plus two feet for a security (barbed wire or other) arm. The construction of fences six feet above grade or less require a fence permit unless otherwise required by the state building code.

C. Fence or building permits are required for fence modifications that expand the length or height of an existing fence on any property.

D. Fence permits are required for all fences except non-property line fences that do not exceed three feet in height and are secured by posts no deeper than six inches in the ground.

E. Permits are not required for maintenance which includes: painting; replacing up to eight feet in length; and replacing up

to two posts in any calendar year. Maintenance does not include increasing the height or length of the fence.

F. The construction of retaining walls over four feet in height shall require a building permit. The construction of retaining walls four feet in height or less shall require a retaining wall permit. Retaining walls are measured from the bottom of the footing to the top of the wall.

G. Permits are not required for gateway arches or pergolas unless they meet permitting requirements imposed by the State Building Code.

9-7-4: REGULATIONS:

A. Maintenance: All fences and retaining walls shall be regularly maintained and kept in good repair. Vegetation surrounding the fence or retaining wall shall be trimmed and well maintained. Standards are established in Title 4, Chapter 6 of Lauderdale City Code.

B. Face of Fences: That side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property and right-of-way.

C. Public Rights of Way: No fences or retaining walls are permitted on public rights of way.

D. Unimproved Alleys: Fences may be constructed in unimproved alley rights-of-way or vacated rights-of-way with utility easements upon completion of an encroachment agreement between the City and property owner.

E. Abutment to Property Lines: Fences and retaining walls may be permitted along property lines subject to the following:

1. Physical Damages: Fences and retaining walls may abut property lines provided no physical damage of any kind results to abutting property.

2. Certificate of Survey: Where the property line is not delineated by survey marker(s) or pin(s), a certificate of survey shall be required.

3. Adjusting for Contours and Grade: At no point may fence panels exceed six feet in height nor shall fence posts exceed six and one-half feet in height from grade.

9-7-5: FENCE MATERIALS:

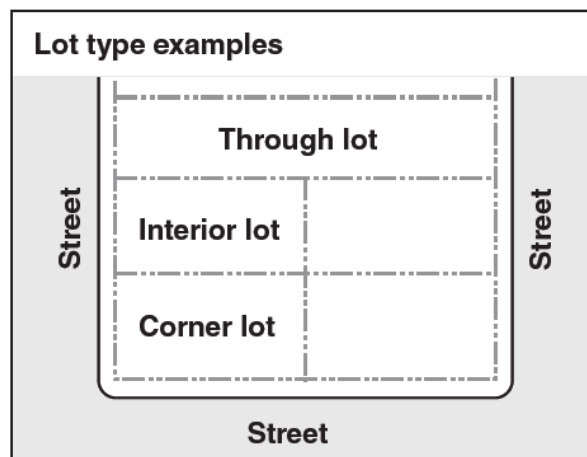
A. Privacy fences shall be made from cedar, redwood, or other decay resistant wood; vinyl; or composite material designed for fence applications. Privacy fences in residential areas shall not be made from chain link or metal fencing with slats, bamboo, or other material attached to the chain link.

B. All other fences shall be made from cedar, redwood, or other decay resistant wood; vinyl; decorative steel, aluminum, or wrought iron; or chain link designed for fence applications. "California" or wood framed fences with metal panels are permitted.

C. Materials that may not be used include garden and utility fencing or fabric. These materials are commonly referred to as snow or safety fencing; chicken wire; poultry fencing; hardware cloth; lawn fencing; bamboo, cloth, rope, cabling, railroad ties, landscape timbers, utility poles, and lattice not supported by wooden framing. In residentially zoned areas, security fencing is not allowed included barbed or razor wire and electric fencing.

9-7-6: HEIGHTS AND SETBACKS

A. Lot Types:

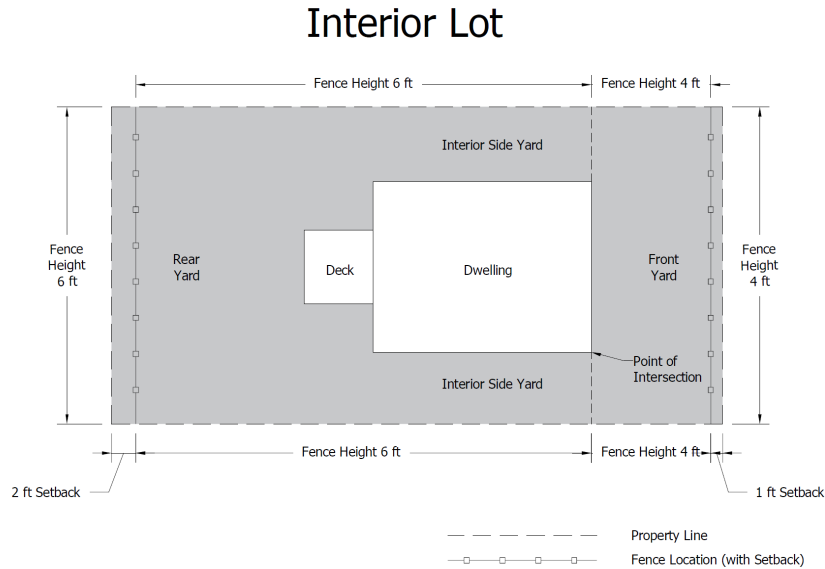


1. Interior lots share side lot lines with adjacent property owners. They may or may not be on an improved or unimproved alley.

2. Corner lots share a side lot line with one adjacent property owner with the opposite side yard along a public right-of-way. They may or may not be on an improved or unimproved alley.

3. Through lots extend from one street to another other. Through lots may be interior or corner lots.

B. Interior Lots: Image depicts maximum fence heights.



1. Front Yard.

- a. Fences located in the front yard shall not exceed four feet in height and shall be 50% or less opaque.
- b. Fences shall be set back at least one foot from the right-of-way (front property) line.
- c. Fences are required to have at least one gate no less than three feet in width.

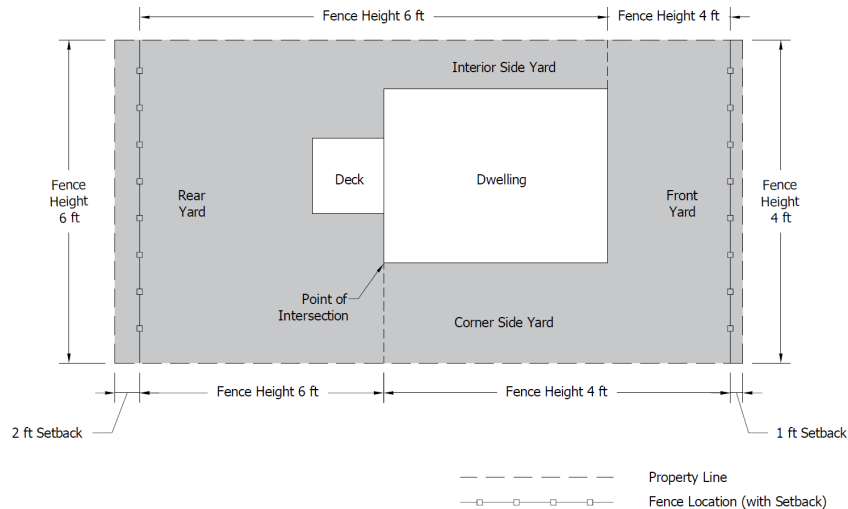
2. Side Yard. Side yard fences shall not exceed six feet in height.

3. Rear Yard.

- a. Fences in the rear yard shall not exceed six feet in height.
- b. Fences and retaining walls on an improved alley shall be set back at least two feet from the right-of-way (rear property) line.
- c. Fences and retaining walls not on an improved alley may be built on the rear property line.

C. Corner Lots: Image depicts maximum fence heights.

Corner Lot



1. Front Yard.

- Fences shall not exceed four feet in height.
- Fences shall be less than 50% opaque.
- Fences shall be set back at least one foot from the right-of-way (front property) line.
- Fences are required to have at least one gate no less than three feet in width.

2. Side Yard.

- Fences abutting public right-of-way shall not exceed four in height.
- Fences located in the interior side yard shall not exceed six feet in height.

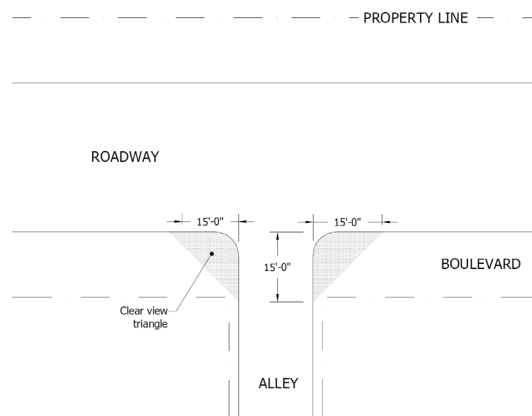
3. Rear Yard.

- Fences in the rear yard shall not exceed six feet in height. The rear yard begins at the corner of the rear wall of the principal structure to the rear lot line exclusive of area reserved for site lines. Open decks and porches shall not be considered part of the principal structure.

- b. Fences and retaining walls on an improved alley shall be set back at least two feet from the alley right-of-way / rear property line.
- c. Fences and retaining walls on an unimproved alley may be built on the rear property line.

9-7-7: ALLEY SITE LINES

Clear View Triangle at Alleys



A fence may not be constructed in a rear-yard clear view triangle along an improved alley (measured 15 feet along the edge of the alley and 15 feet along the street at the back edge of the curb to a third line connecting the sides).

9-7-8: CONFORMANCE

Nothing herein is intended or shall be deemed to make legal or conforming any fence which was not constructed in full compliance with the terms of the ordinance then in effect.

9-7-9: WAIVERS; APPEALS

A. The city council may grant a waiver from any requirement of this chapter if it determines that such requirement is not necessary for protection of public health, safety or welfare. In granting a waiver, the city council may impose such conditions or requirements as it deems reasonably necessary to protect the public health, safety or welfare.

B. Any person aggrieved by a decision of city staff regarding the issuance, non-issuance or revocation of a permit under this chapter may appeal such decision to the city council.

C. The city council may consider requests for waivers and appeals following such hearing and notice as it deems appropriate. An application for a waiver or an appeal shall be accompanied by a site plan identifying the requested fence or retaining wall location and alignment, a narrative describing the reason the waiver or appeal is sought, a fee as described by the city fee schedule to reimburse the city for costs accrued in the review of the request, and other information deemed necessary by city staff. After consideration of the waiver or appeal, the city council may make such findings and issue such orders as it deems appropriate.

9-7-10: PENALTY:

Violations of this Chapter shall constitute a misdemeanor. Each day that a violation remains shall constitute a separate offense.

The City may also take additional enforcement action it finds appropriate. In case any fence or retaining wall is, or is proposed to be, erected, constructed, reconstructed, altered, maintained, or used in violation of this Chapter, the City Council may institute in the name of the City any appropriate action or proceeding to prevent, restrain, correct, or abate such fence, structure, or retaining wall constituting a violation.

Adopted by the Lauderdale City Council the 25th day of May, 2021.

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