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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Planning & Zoning

Department Head: Peter A. Frisina

Presenter, if needed: Dennis Dutton/Pete Frisina

Preferred Meeting Date: Wednesday, April 2, 2008

Wording for the Agenda:

Discussion of the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-17. Height Limitation of Walls and Fences and Section 5-11. Common Area, and Article III. Definitions, Common Area, Fence, and Wall as presented by the Planning & Zoning Department. This item was last discussed during the March 5, 2008 Wednesday Workshop Meeting

Background/History/Details:

On 10/3/07, the BOC directed Staff to review to review the Zoning Ordinance in terms of a possible permitting process for walls/ fences, requirements for maximum height of walls/fences, additional conditions pertaining to the architectural and aesthetic design of walls/fences, and required visibility through fence structures. The PC has discussed walls/fences at 4 Workshops; however, Staff and the PC have not been able to reach a consensus nor have the PC members been able to reach a consensus amongst themselves. On 03/05/08, the BOC directed Staff to return at a later date with suggestions regarding the light and sound barriers on roadways, light intrusion, and a better definition of the 50% visibility requirement.

What action are you seeking from the Board of Commissioners?

Permission to advertise for the Planning Commission on May 1, 2008, and for the Board of Commissioners on May 22, 2008.

If this item requires funding, please describe:

N/A

Has this issue come before the Commissioners in the past? Yes

If so, when? Wednesday, March 5, 2008

Do you need audio-visual for the presentation? Yes

Back-up Material Submitted? Yes

STAFF USE ONLY

- (●) Finance Review Complete
- (●) Purchasing Review Complete
- (●) Legal Review Complete
- (●) Administrative Staff Review Complete

Administrator's Approval Yes

Confirmed Meeting Date Wednesday, April 2, 2008

- ( ) Recognition/ Presentation
- ( ) Public Hearing
- (●) Old Business
- ( ) New Business
- ( ) Consent
- ( ) Report
- ( ) Other

10/03/07 – Instructed by B.O.C. to review walls/fences
10/18/07 – PC Wkshop
11/15/07 – PC Wkshop
01/17/08 – PC Wkshop
02/07/08 - PC Wkshop
03/05/08 – BOC Wkshop
04/02/08 – BOC Wkshop

DRAFT - PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE

Staff's additions to the current ordinance are indicated in **bold, underline**, and ***italics***. ~~Strikethrough~~ indicates deletion.

ARTICLE V. GENERAL PROVISIONS

5-17. ~~Height Limitations of Walls and Fences.~~ ***Walls, Fences, and Entrances.***

A. Height Limitations of Walls and Fences.

~~A.~~ ***1.*** In any residential zoning district, ***solid walls and fences made of chain link or other wire materials shall not exceed a maximum of four (4) feet in height within or along a boundary of a front yard. Posts or columns shall not exceed five (5) feet in height. Light fixtures, ornamental statues, and figurines shall not be included in the measurement of height.*** ~~no wall or fence shall exceed four (4) feet in height within or along a boundary of a front yard. No wall or fence shall exceed eight (8) feet in height. All property zoned A-R where the use of the property is for farming, including the raising and selling of crops and livestock, is exempt from the four (4) foot maximum height requirement.~~

~~B.~~ ~~No wall or fence shall be constructed in a public right-of-way. Any entrance must be at least fourteen (14) feet apart at the driveway to allow for passage of emergency vehicles.~~

2. In any residential zoning district, when a wall and/or fence located within or along a boundary of a front yard exceeds a maximum of four (4) feet in height the following must be met:

a. The wall and/or fence must be constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron or other architecturally engineered facades which match these materials.

b. ***In that a solid wall and/or fence is allowed to be four (4) feet in height under 1. above, any portion of a wall and/or fence higher than four (4) feet must have a minimum visibility of 50 percent which shall be uniformly spaced over the entire linear footage of the wall and/or fence. Columns and posts shall not be included in this calculation.***

3. ***Where height requirements cannot be met due to changes in grade, adjustments must be made to each section (as created by the columns or posts) of the wall or fence to meet the requirements to the greatest degree possible. This will result in a stair-step pattern as the wall or fence moves down the grade.***

4. No wall or fence shall be constructed in a public right-of-way***, and such wall or fence shall not be constructed any closer than three (3) feet from any fire hydrant, utility meter, or utility pole.***

5. Any ***vehicular*** ~~entrance~~***/driveway*** must ***have a minimum clearance of*** ~~be at least~~ fourteen (14) feet ***in width and height*** ~~apart at the driveway~~ to allow for ***the*** passage of emergency vehicles. ***A vehicular entry structure shall not be subject to the four (4) foot wall and fence requirement or the minimum visibility of 50 percent within 35 feet of either side of the driveway.***

6. ***All walls and fences shall be maintained and repaired as required in the International Property Maintenance Code.***

7. ***A Zoning Compliance Certificate will be required for all walls and fences within or along a boundary of a front yard prior to construction. Wall or fence elevations must be submitted to the Planning and Zoning Department for review.***

B. ***Exemptions.***

The following shall be exempt from the above requirements:

1. ***In order to reduce road noise, a solid wall and/or fence along a street which is classified as an Arterial or Collector per the Fayette County Thoroughfare Plan may exceed a maximum of four (4) feet in height and is exempt from the 50 percent visibility requirement provided that the lot is not oriented to the street and the driveway does not access the street.***

2. All property zoned A-R, where the use of the property is for farming, including the raising and selling of crops and livestock, is exempt from the four (4) foot maximum height requirement, ***and exempt from the construction requirements of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron or other architecturally engineered facades which match these materials.***

3. ***In any residential zoning district where horses are kept in accordance with Article V. General Provisions, Section 5-36. Raising and Keeping Horses in Residential Districts, a wall or fence made of chain link or other wire materials is exempt from the four (4) foot maximum height requirement and shall not exceed a maximum of five (5) feet in height within or along a boundary of a front yard.***

4. ***In any residential or A-R zoning district where a temporary fence is used in conjunction with a construction site, said fence is exempt from the requirements of this section.***

5. ***In any residential or A-R zoning district, a fence required for a telecommunication tower site shall comply with the requirements of Article V. General Provisions, Section 5-40. Telecommunication Antennas and Towers and shall be exempt from the requirements of this section.***

6. ***In any residential or A-R zoning district, a fence used in conjunction with a storm water facility shall be exempt from the requirements of this section.***

7. ***In any residential or A-R zoning district, a fenced used in conjunction with any non-residential Permitted Use or Conditional Use, including but not limited to: an Animal Hospital, Kennel; Cemetery and Mausoleum; Church, Temple, or Place of Worship; Colleges and Universities; Day Care Facility; School, Private; Telephone, and Electric or Gas Sub-Station or other Public Utility Facilities shall be exempt from the requirements of this section.***

8. ***In any residential or A-R zoning district, on a through lot, the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of a wall/fence.***

(Note: Check with the Building Permits & Inspections Department for permitting requirements.)

C. Subdivision Entrance Walls and Fences.

Subdivision Entrance Walls and Fences must be placed on common property under the ownership of the Home Owners Association (HOA) or the Property Owners Association (POA) and shall not be allowed to be on private property. Common property shall be shown on the Preliminary Plat and/or Final Plat. Said walls and fences shall not be subject to the four (4) foot height or 50 percent visibility requirements but must be constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron or other architecturally engineered facades which match these materials.

D. Nonconformance.

All walls and fences which existed prior to (the adoption date) are legally non-conforming and shall be allowed to be maintained and rebuilt to its current size and height. All walls and fences erected after (the adoption date) must comply with the current requirements.

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ARTICLE V. GENERAL PROVISIONS

5-11. ~~Reserved.~~ ***<u>Common Area. When a common area is located between a lot and the road/street right-of-way, the setback on the lot shall be measured from the right-of-way as a front yard setback or from the common area as a side or rear setback and whichever is greater shall apply.</u>***

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ARTICLE III. DEFINITIONS

Common Area. Any part of a development that is not part of a building lot and is designated for the common usage of the development.

Fence. Structures made of posts, columns, boards, wire, pickets, wrought iron or rails.

Wall. Structures made of masonry or concrete.