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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Planning and Zoning

Department Head: Peter A. Frisina

Presenter, if needed: Dennis Dutton/ Pete Frisina

Preferred Meeting Date: Wednesday, June 4, 2008

Wording for the Agenda:

Discussion of the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-17. Height Limitations of Walls and Fences and Section 5-11. Common Area, and Article III. Definitions, Common Area, Fence, and Wall as presented by the Planning and Zoning Department.

Background/History/Details:

On October 3, 2007, the Board of Commissioners directed Staff to review the zoning ordinance in terms of a possible permitting process for wall/fences, requirements for maximum height of walls/fences, additional conditions pertaining to architectural/aestetic design of walls/fences, and required visibility through fence structures. Planning Commission discussed walls/fences at four workshops; however, staff and the Planning Commission are not able to reach a consensus nor have the Planning Commission members been able to reach a consensus among themselves. On March 5, 2008, the Board of Commissioners 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. On April 2, 2008, the Board of Commissioners directed staff to refine wording, include building materials, and give a clearer definition of "the street" in Exemption B-1 before returning to the May 7, 2008 Workshop meeting.

What action are you seeking from the Board of Commissioners?

Request permission to advertise for the July Public Hearings before the Planning Commission and the Board of Commissioners.

If this item requires funding, please describe:

None.

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

If so, when? Wednesday, April 2, 2008

Do you need audio-visual for the presentation? Yes

Back-up Material Submitted? Yes

STAFF USE ONLY

Approved by Finance? Yes

Reviewed by Legal? Yes

Approved by Purchasing? Yes

Approved by Administrative Staff? Yes

Staff Notes

Administrator's Approval Yes

Confirmed Meeting Date Wednesday, June 4, 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
05/07/08 – BOC Wkshop

DRAFT - PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE

Delete Section 5-17. Height Limitations of Walls and Fences in its entirety and adoption of the following:

ARTICLE V. GENERAL PROVISIONS

5-17. Walls, Fences, and Entrance Structures located in a front yard in A-R and all residential zoning districts and Residential and Nonresidential Subdivision Entrance Walls and Fences.

A. All walls and fences shall comply with the following:

1. 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.

2. Any vehicular driveway shall have a minimum clearance of fourteen (14) feet in width and height to allow for the passage of emergency vehicles.

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

4. A Zoning Compliance Certificate will be required for all walls and fences located in a front yard prior to construction. Wall or fence elevations shall be submitted to the Planning and Zoning Department for review.

5. No wall or fence, three (3) feet in height or greater as measured from the road grade, shall be permitted within 20 feet of the intersection of the right-of-way lines of the streets to provide a visibility triangle for traffic safety.

B. Walls and Fences not exceeding four (4) feet in height shall comply with the following:

1. A wall and/or fence shall be constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, chain link or other wire materials, or other architecturally engineered facades which match these materials.

2. 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.

C. Walls and Fences exceeding four (4) feet in height shall comply with the following:

1. A wall and/or fence shall 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.

2. A solid wall and/or fence shall not exceed four (4) feet in height and any portion of a wall and/or fence higher than four (4) feet shall have a minimum visibility of 50 percent (50%) 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. A vehicular entry structure shall not be subject to the four (4) foot wall and fence requirement or the minimum visibility of 50 percent (50%) within 35 feet of either side of the driveway.

D. Walls and fences that cannot meet height requirements due to changes in grade shall comply with the following:

1. Where height requirements cannot be met due to changes in grade, adjustments shall 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.

E. Exemptions.

The following shall be exempt from the above requirements:

1. In any residential zoning district where horses are kept in accordance with Article V. General Provisions, 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 in a front yard.

2. Where the use of the property is for farming in an A-R zoning district, 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. Walls/Fences in any residential or A-R zoning district;

   a. On a corner lot, 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 shall be exempt from the four (4) foot maximum height requirement and the 50 percent (50%) visibility requirement beginning 20 feet from the intersection of the right-of-way lines. However, this exemption shall not apply to the street which the front door of the residence is facing.

   b. Where a temporary fence is used in conjunction with a construction site, said fence is exempt from the requirements of this section.

   c. A fence required for a telecommunication tower site shall comply with the requirements of Article V. General Provisions, Telecommunication Antennas and Towers and shall be exempt from the requirements of this section.

   d. A fence used in conjunction with a storm water facility shall be exempt from the requirements of this section.

   e. 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.

   f. With regard to the location of a wall/fence, a through lot shall be exempt from the four (4) foot maximum height requirement and the minimum 50 percent (50%) visibility requirement except for

the area between the street from which the lot is accessed and the front building line which shall be treated as a front yard.

E. Residential and Nonresidential Subdivision Entrance Walls and Fences.

Subdivision Entrance Walls and Fences shall be placed on common property under the ownership of the Home Owners Association (HOA) or the Property Owners Association (POA). 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 (50%) visibility requirements but shall 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.

(Note: (Check with the Building Permits & Inspections Department for any permitting requirements for walls/fences/subdivision entrances.)

F. Nonconformance.

All walls and fences which lawfully existed, except in the respect of height, prior to (the adoption date) which do not comply with these regulations are considered to be 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) shall comply with the current requirements.

PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE

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

ARTICLE V. GENERAL PROVISIONS

5-11. ~~Reserved.~~ ***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.***

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.