

To highlight proposed changes to the UDC:

- Red text is new or edited language.
- Black bold strikeout-out text (~~example~~) is language deleted.

To add context to proposed changes, footnotes are included throughout the document. Footnotes are color coded to emphasize:

- Black footnotes denote sections of code with no proposed changes which were removed from this draft for readability.
- Blue footnotes denote proposed changes that are not required by SB24-005; however, which are strongly recommended to clarify processes, align with other sections of code, or improve the ability to successfully implement the SB24-005 requirements.



Title 18 Unified Development Code

(Ord. 6248 §1, 11/06/2018)

PART 2: Zones, Land Use, Buildings, and Structures

Chapter 18.04 Lots, Buildings, and Structures

Division 18.04.07 Supplemental Standards

18.04.07.06 Fences and Walls

- A. **Generally.** It is the purpose of the provisions of this Section to establish requirements for the height, location, materials, and maintenance of fences, walls and other screening structures in all zones. The standards of this Section shall be implemented in a manner that complies with Section [18.05.02.02, Sight Triangles](#).
- B. **Applicability.** The standards of this section shall apply to all fences, walls and other screening structures within the setbacks provided in Section [18.04.07.01 Accessory Structures](#).
- C. **Location.**
1. All fences and walls must be located on or within the boundary lines of the property owned by the person or persons who construct and maintain them, unless expressly approved otherwise in writing by the Director upon proof of consent from the affected adjacent property owner.
 2. Fences or walls that are located within bufferyards that are not installed along street right-of-way lines may be located upon the property line.
 3. Fences or walls that are located within bufferyards that are installed along street right-of-way lines shall be located along the boundary of the bufferyard that is furthest from the street edge.
 4. Fences or walls that are located adjacent to a ~~sidewalk or~~ trail shall be set back a minimum of three feet from the back of ~~the trail~~ **The Director may approve a lesser setback up to and including placement on the property line if the location of the fence:**
 5. **Fences or walls that are over four feet in height and located adjacent to a sidewalk shall be set back a minimum of two feet or on the property line, whichever is greater.¹**
 6. **Fences or walls less than four feet in height and located adjacent to a sidewalk shall be set back a minimum of 18 inches or on the property line, whichever is greater.²**
 7. **The Director may approve a lesser setback than indicated in subsections 4 through 6 above, including placement on the property line if the location of the fence:³**
 - a. Will not conflict with existing or proposed utilities;
 - b. Is generally consistent with the established fencing pattern in the neighborhood;
 - c. Is compliant with bufferyard requirements; and
 - d. Will not create a safety hazard or otherwise negatively impact the use of the sidewalk.

¹ The change in this section 18.04.07.06 (5) Fences and Walls is not required in SB24-005. The updates to fence height setbacks were made to improve safety and community appearance. Keeping setbacks, but reducing setbacks along sidewalks, allows more yard space. Taller fences than four feet help drivers see clearly, reducing blind spots, especially at intersections. This 2-foot setback not only enhances pedestrian safety by preventing a 'tunnel effect' along sidewalks but also protects the character of our neighborhoods. The setbacks stop taller fences from encroaching too much into right-of-way areas, while still maintaining a sense of openness and accessibility for residents.

² The change in this 18.04.07.06 (6) Fences and Walls is not required in SB24-005. The reason staff reduced the setbacks in this instance is because lot sizes are becoming more compact in size, encroachments far into the property take away valuable real estate. Staff wants to allow for flexibility with fences that are less than four feet in height.

³ The change in this 18.04.07.06 (6) Fences and Walls is not required in SB24-005. Showing that the Director may approve lesser setbacks with conditions, is also another opportunity to be less stringent with respects to fence setbacks.



Ord. [6445](#) §12, 12/15/2020; Ord. [6636](#) §24, 09/05/2023
Effective on: 9/19/2023