

SUBJECT: Proposed text amendment for §1421-33 Fences and Walls

PURPOSE:

To obtain approval from the City Planning Commission (CPC) on a text amendment related to the height of fences and walls.

PROPOSED TEXT AMENDMENT:

§ 1421-33. Fences and Walls.

All fences and walls are accessory structures and must comply with the provisions of this section, any other applicable provisions of the Cincinnati Zoning Code, and any applicable provisions of the Municipal Code.

- (a) **General.** Fences and walls are permitted in all zoning districts and may be required for specific uses, as provided in Chapter 1419, Additional Development Regulations, or as buffering between certain uses, as provided in Chapter 1423, Landscaping and Buffer Yards.
- (b) **Maximum Height.** In any front, corner side yard or corner rear yard the maximum height of any fence or wall or any combination thereof, may not exceed four feet in residential districts and six feet in all other districts and may not exceed an opacity of 50 percent (EXCEPTION: Fences and walls used as parking lot screening per § 1425-27). In any interior side or rear yard, the maximum height may not exceed six feet and may be 100 percent opaque. (*revised 7/22/05 by Ordinance #248-2005)
- (c) **Entry Gateway.** An entry gateway, trellis or other entry structure may be permitted in the required front yard provided the maximum height and width do not exceed ten feet.
- ~~(d) **Fences With Retaining Walls.** A combination wall or fence on top of a retaining wall may be erected. The retaining wall portion may be erected up to a level of the higher finished grade. The fence or wall portion must comply with the requirement of subsection (b) above.~~
- (e) **Driveway Visibility.** All fences are subject to the driveway visibility requirements of § 1425-37.
- (f) **Electrical Fences and Razor Wire.** Electrical, barbed and razor wire fences are prohibited in SF, RM, O, DD and IR Districts and are an accessory conditional use in C, M and RF Districts.
- (g) **Decks and Railings.** Within the limits of a rear yard in a residential district, decks and railings for above ground swimming pools may be up to eight feet above grade and located at least three feet from all property lines.

JUSTIFICATION:

As the Zoning Code is currently written, the finished grade could be substantially higher than the existing grade, which may create negative impacts for surrounding properties.

PUBLIC STAFF CONFERENCE:

The Planning Division staff held a public conference on this Zoning Text Amendment on Tuesday, August 14, 2007. Those in attendance were not opposed.

RECOMMENDATION:

The Department of Community Development and Planning staff recommends that the City Planning Commission approve the requested text amendment.

APPROVED:

Margaret A. Wuerstle, AICP, Chief Planner
Department of Community Development & Planning

4/12/07 and 7/26/07
Amendment Committee