

19800 Detroit Rd

- **Variance:** To install a 4' ornamental fence in the side yard abutting a public street right-of-way vs fences shall not exceed three (3) feet in height when located in front of a building or in yards abutting a public street right-of-way. Per Section: 1167.13 (3)
- **Variance:** To install a 4' ornamental fence within the parking setback, maintaining the required 5' screening setback for the first 82'. The fence moves 6" off the property line as it goes southwards. Fences that are not located within the required setback areas shall be screened with the following landscape materials, planted not more than five (5) feet from the fence and between the fence and the property line. Per Section: 1167.13 (4)(B)2

1167.13 ACCESSORY USE REGULATIONS.

(a) Fences and Walls. Fences and walls may be erected in the Business Districts in compliance with the requirements set forth below.

(1) Location.

A. Fences may be built up to, but not on, the property line, and shall be located entirely on the property of the person constructing it, except property owners, with written permission from abutting property owners, may connect to fences on adjoining properties.

B. In order to maintain clear vision lanes for vehicles and pedestrians, no opaque fences shall be permitted within twenty (20) feet, in any direction, of the following points:

1. At the intersection of a driveway and sidewalk (or front property line if there is no sidewalk);
2. At the intersection of a driveway and public right-of way;
3. At the intersection of any two driveways.

C. All fences shall comply with Section 1181.11, Visibility at Intersections.

(2) Materials and Construction.

A. Approved fencing materials include stone, brick, finished wood, iron, or synthetic look-alike products.

B. No fence shall be electrified or topped with barbed wire.

C. Only ornamental fences shall be permitted in front of a building, unless required for screening pursuant to Chapter 1185, Landscaping & Screening Regulations, or provided for outdoor dining pursuant to Chapter 1167.13 (b).

D. All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.

E. All fences on a single parcel shall have a unified style along a single plane and for all fence segments visible from off the premises from any single direction.

(3) Height. No fence shall exceed six (6) feet in height in any rear or side yard, or exceed three (3) feet in height when located in front of a building or in yards abutting a public street right-of-way, unless otherwise required by this Development Code.

(4) Screening and Landscaping.

A. Screening and landscaping is not required for ornamental fences.

B. All fences, other than ornamental fences, when visible from public streets, shall be visually softened and reasonably screened from the street with appropriate landscaping as follows:

1. Fences that are located within required building and parking setbacks shall be considered appropriately screened with the landscaping required in Section 1185.07, Landscaping along the Street Frontage and Parking Setback, is planted within five (5) feet of the fence and between the fence and the property line.

2. Fences that are not located within the required setback areas shall be screened with the following landscape materials, planted not more than five (5) feet from the fence and between the fence and the property line:

(I) One shade tree shall be provided for every thirty (30) linear feet of fence length or fraction thereof, not including gates or other fence openings. Each tree at the time of installation shall have a minimum caliper of 2.5 inches and a clear trunk height of at least six (6) feet;

(II) One shrub, that is twenty-four (24) inches in height at planting, shall be provided for every five (5) feet fence length or fraction thereof, not including gates or other fence openings; and,

(III) The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.

(5) All fences shall be maintained in good condition, be structurally sound, and attractively finished at all times.

(6) Any proposed fence shall be approved as part of a Development Plan Review in accordance with Chapter 1127.