

Sec. 146-132. Fences, Walls, and Screening Requirements.

Where a screening device is required as provided herein, the following standards shall be observed:

- (1) *Fence or wall.* Refer to chapter 122, article IV, which establishes minimum construction, location, and maintenance requirements for all fences in the City.
- (2) *Screening device.* A screening device shall be erected or placed in all locations and in accordance with all provisions specified below:
 - a. A screening device required under this section shall meet the following minimum requirements:
 1. The minimum height of the screening device shall be as follows:
 - (i) Garbage, trash or refuse container screening: seven feet (7’).
 - (ii) Screening of outdoor storage: seven feet (7’).
 - (iii) All other required screening: six feet (~~7’~~6’).
 2. The maximum height of the screening device shall be as follows:
 - (i) “ML”, “MH” and Industrial “PD” districts: ten feet (10’).
 - (ii) All other districts: eight feet four inches (8’ 4”).
 3. The materials shall consist of:
 - (i) Brick masonry, stone masonry, or other architectural masonry finish;
 - (ii) Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 20 feet (20’) on center with structural supports spaced every ten feet (10’), and with sufficient evergreen landscaping to create a screening effect;
 - (iii) Living plant screen, upon approval by the Planning and Zoning Commission ~~and/or City Council, depending on which body has the final approval authority as indicated in section 146-45(a)(2) through the site plan process;~~ or

- (iv) Alternate equivalent screening, upon approval by the Planning and Zoning Commission ~~and/or City Council, depending on which body has the final approval authority as indicated in section 146-45(a)(2) through the site plan process.~~
 - b. All required screening devices must be equally finished on both sides.
 - c. All openings in the surface for passage shall be equipped with opaque gates equal in height and screening characteristics specified above, but need not be of the same material as the main fence or wall.
 - d. Prior to the issuance of an occupancy permit, all approved screening devices must be in place.
 - e. All screening devices shall be permanently and continually maintained in a neat and orderly manner as a condition of use. The occupancy permit may be revoked by the Chief Building Official for failure to adequately maintain such screening device.
- (3) *Applicability.* Screening devices shall be placed and maintained in the following locations:
- a. Screening devices shall be placed along any property line or district boundary between any single family detached or attached or any two-family zoning or use and any mobile home park, or non-residential use, but not across a dividing street between such uses. An alley shall not be considered a dividing street for purposes of this section. The more intensive use shall have the responsibility for providing and maintaining the screening device.
 - b. Multiple family residential developments outside of the Regional Employment Center Overlay district shall provide and maintain a six foot tall masonry screening wall along all side and rear property lines.
 - c. All allowed open storage of materials, equipment, or commodities shall be screened from view from all streets. Materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening wall or visual barrier.
 - d. Garbage, trash, or refuse containers shall be screened on all sides. Screening materials shall be masonry and the same color as the exterior walls of the main structure. A solid metal gate shall be provided and shall be primed and painted to match the building. Garbage, trash, or refuse containers shall not be located in front of

the main building unless no other option is available. Gates shall be kept closed except when in use for access. Sanitation containers shall also meet the screening and landscaping requirements as defined in section 146-135.

- e. Sanitation containers shall be subject to the following design specifications.
 - i. Single container enclosures shall be a minimum of twelve feet (12') wide by fourteen feet (14') deep, as measured from the inside of the enclosure's walls.
 - ii. Double container enclosures shall be a minimum of 25.5 feet wide by fourteen feet (14') deep, as measured from the inside of the enclosure's walls.
 - iii. Trash compactor enclosures and all other enclosure types shall be constructed to the Environmental Waste Department's specifications.
 - iv. All enclosure types shall be required a minimum of forty feet (40') of straight backing, as measured from the front gates of the enclosure, to accommodate a sanitation truck's maneuverability. If special circumstances prevent straight backing from being provided, the Environmental Waste Department shall have the authority to approve angled or alternative backing movements.
 - v. All enclosure types shall be required to provide a 24' vertical clear zone, unless otherwise approved by the Environmental Waste Department.
- f. All wrecking yards, junkyards, or salvage yards shall be fenced on all sides and shall be screened from view from the public right-of-way and from adjacent residential property.
- g. Loading docks ~~or and/or~~ structures, bays, and bay doors related to loading facilities shall be screened ~~from view from the public right-of-way, from adjacent residential property, and from adjacent non-residential property, other than industrial/non-industrial property. The required screening device adjacent to a non-residential property, other than industrial, may be waived with site plan approval if it is determined that the location of the proposed loading docks, bays or bay doors in relation to the adjacent development's site layout is not detrimental. Bays Overhead bay doors~~ in any ~~retail non-industrial~~

district ~~or retail "PD" district~~ shall be oriented away from ~~the adjacent~~ street frontage.

- h. Display of new vehicles, or used vehicles not defined as junked vehicles under chapter 62, article XI, need not be screened if they are, in the opinion of the Chief Building Official, maintained in a neat and orderly manner.
- i. Landscaping standards for parking lots shall also apply to vehicle display lots, except that minimum screening height for vehicle display lots shall be 1 1/2 feet (1.5').
- j. Mechanical and heating and air conditioning equipment in non-residential and multi-family uses shall be screened from view from the public right-of-way and from adjacent residential property. For such equipment located on the roof of a non-residential or multi-family structure, the screening of the equipment shall be a minimum of one foot higher than the height of the equipment.
- k. At motor vehicle service or repair facilities or automotive paint and body repair shops, vehicles awaiting repair for more than 24 hours or after the close of business shall be screened from view from public right-of-way and from adjacent residential property. Parking spaces used for the overnight storage of vehicles awaiting repair must be screened in accordance with the requirements of this section.
- l. Parking lots shall meet screening and landscaping requirements as defined in section 146-135.

(4) ~~Variances~~ Meritorious exception.

- a. ~~If unique circumstances that exist on the property or an innovative design prevent strict adherence with the requirements of this section, the Planning and Zoning Commission may consider a meritorious exception through the site plan approval process detailed in subsection 146-45(a)(2). In the case of a required site plan approval, a variance to the provisions of this section, save and except subsection 143-132(3)e, may be allowed by the Planning and Zoning Commission and/or the City Council, unless otherwise specified herein, depending on which body has the final approval authority as indicated in section 146-45(a)(2), or additional provisions required, as a part of such site plan approval. The applicant shall prove that the variance-meritorious exception from this Section 146-132 e-zoning regulations is warranted under the circumstances presented. A variance-meritorious exception may be granted if the Planning and Zoning Commission and/or City Council finds that:~~

Formatted: Indent: Left: 1", Tab stops: 1.31", Left + Not at 0.81"

aj. Unique circumstances exist on the property or an innovative design is proposed that make application of specific items in this section unduly burdensome on the applicant;

Formatted: Indent: Left: 1.5", Tab stops: 1.81", Left + Not at 1.31"

bj. The ~~variance~~ meritorious exception will have no adverse impact on current or future development;

cj. The ~~variance~~ meritorious exception is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;

dj. The ~~variance~~ meritorious exception will have no adverse impact on the public health, safety and general welfare; ~~and~~

Formatted: Indent: Left: 1.81", Tab stops: 1.81", Left

v. The meritorious exception will not reduce the quality of the development.

Formatted: Indent: Left: 1.5", Hanging: 0.31", Tab stops: 1.81", Left

vi. A financial hardship shall not be considered a basis for the granting of a ~~variance~~ meritorious exception.

Formatted: Indent: Left: 0", Tab stops: 1.81", Left

b. Action by the Planning and Zoning Commission regarding a requested meritorious exception may be appealed to the City Council. If the Planning and Zoning Commission denies a meritorious exception requested pursuant to this section, the appeal shall not be required to receive a super-majority vote from the City Council in order to be approved. Within 14 calendar days of the action by the Commission, the appellant shall notify the Director of Planning in writing of the desire to appeal the decision of the Commission to the City Council. The Director of Planning shall prepare a report and place the site plan on the agenda for consideration by the Council.

Formatted: Indent: Left: 0", Tab stops: 1.81", Left