

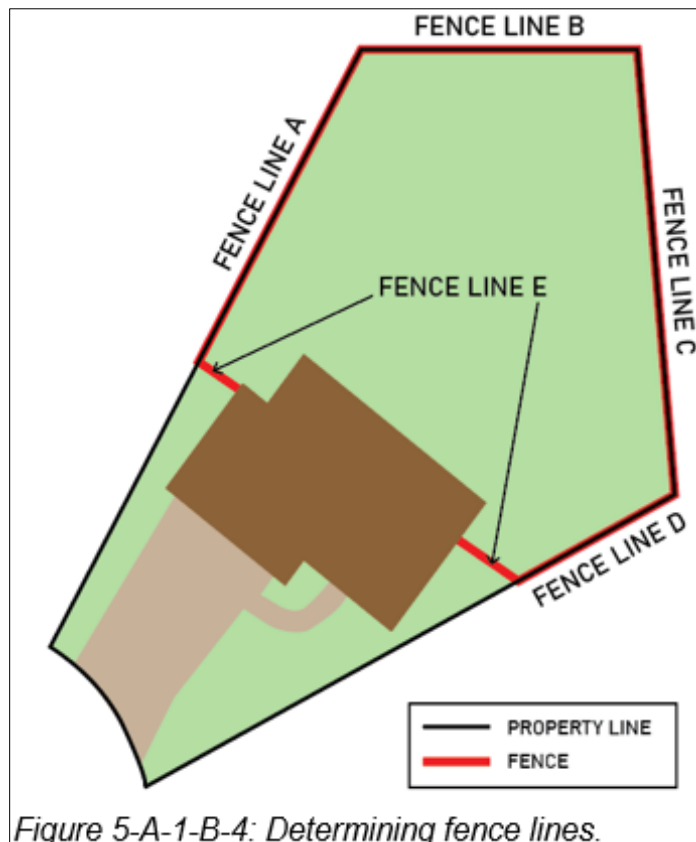
## APPROVED UDC SECTION 4-1-B-24-F-5

### 5. Fences, Walls, and Retaining Walls

#### a. General

##### 1. Permit Requirements

- a. New or Replacement Fence, Wall, or Retaining Wall: All new and replacement fences, walls, or retaining walls require a permit prior to construction. The permit application shall include a scaled and dimensioned plot plan showing the proposed fence, wall, or retaining wall along with all property lines, easements, setbacks, and structures. The permit application shall also include details about the proposed fence, wall, or retaining wall, including materials, height, and design. Additional information may be required on a case-by-case basis.
- b. Exceptions to Permit Requirement: A permit is not required in the following instances:
  1. When installing a decorative fence or wall in accordance with Section 4-1-B-24-F-5-b.
  2. When installing an agricultural fence or wall in accordance with Section 4-1-B-24-F-5-b.
  3. When installing a retaining wall less than 4 feet in height in accordance with Section 4-1-B-24-F-5-b.
  4. When replacing less than 50% of a single fence line with the same fence materials, height, and design, in the same location as the fence was previously permitted. See *Figure 5-A-1-B-4*.
  5. Replacing a fence, wall, or retaining wall that was removed in order to complete work within an easement with the same materials, height, and design, in the same location as was previously permitted.
  6. Replacing non-structural components of an existing fence or wall, such as pickets.



*Figure 5-A-1-B-4: Determining fence lines.*

## 2. Design and Installation Standards

- a. Materials must be durable and suitable for year-round outdoor conditions.
- b. Fence and wall posts shall be set in concrete footings with a minimum depth of 18 inches.
- c. Fences, walls, and retaining walls must be installed with the finished side facing outward and supporting elements on the inside, when applicable. The Community Development Director shall have the authority to waive the requirement that a fence be constructed with a finished side facing outward from the property in unique situations where the topography, vegetation, or other site conditions screen the fence from the affected neighboring property.
- d. Retaining walls that retain in excess of 48 inches of unbalanced fill shall be designed by an engineer licensed in the State of Kansas and installed to ensure stability against overturning, sliding, excessive foundation pressure, rotational failure, and water uplift. Design shall provide a minimum safety factor of 1.5 against sliding, overturning, and rotational failure. Retaining walls shall be designed by an engineer licensed in the State of Kansas to support lateral loads.
- e. Retaining walls that will be either periodically or permanently inundated with water shall be appropriately designed by an engineer licensed in the State of Kansas to withstand said inundation.
- f. All fences, walls, and retaining walls shall be constructed to allow for proper surface drainage.
- g. Fence Requirement with Retaining Wall: A fence with a height between 42 inches and 72 inches is required to be installed directly on top of or within 18 inches of a retaining wall when the retaining wall is within three feet of a walkway and there is a drop of 30 inches or more. The Community Development Director shall have the authority to approve an alternative barrier, such as shrubbery.
- h. Easements:
  1. Fences, walls, and retaining walls proposed within any easement require approval from the applicable entity.
  2. Fences, walls, and retaining walls must be installed in a manner that will allow access to dedicated easements. A gate may be required to provide necessary access.
  3. Easements for retaining walls must be of sufficient width to allow for maintenance of said wall to be performed fully within the easement.
  4. If the Community Development Director, or their designee, determines that any fence, wall, or retaining wall is negatively impacting any easement then the Community Development Director shall have the authority to require the relocation or removal of the fence, wall, or retaining wall.
  5. Fences, walls, and retaining walls constructed within City or private easements may be altered or removed to allow access to utilities. The property owner shall be responsible for the reconstruction and replacement of any fences, walls, and retaining walls that are altered or removed.
  6. Drainage Easements:
    - i. Walls and retaining walls are prohibited within drainage easements.
    - ii. Fences are generally prohibited within drainage easements; however, fences may be allowed on a case-by-case basis depending on the impact on drainage. Fences allowed within a drainage easement for conveyance must be open-style and have a minimum of 4 inches clearance between the bottom of the fence pickets and grade.
  7. Landscape Easements: Fences, walls, and retaining walls proposed within landscape easements are subject to review and may be allowed on a case-by-case basis for the

purpose of providing decorative buffering features between private property and public rights-of-way with collector, arterial, and freeway road classifications.

- i. Swimming Pool and Hot Tub Enclosures: Swimming pool and hot tub enclosures shall be installed pursuant to the standards of Section 4-1-B-24-F.

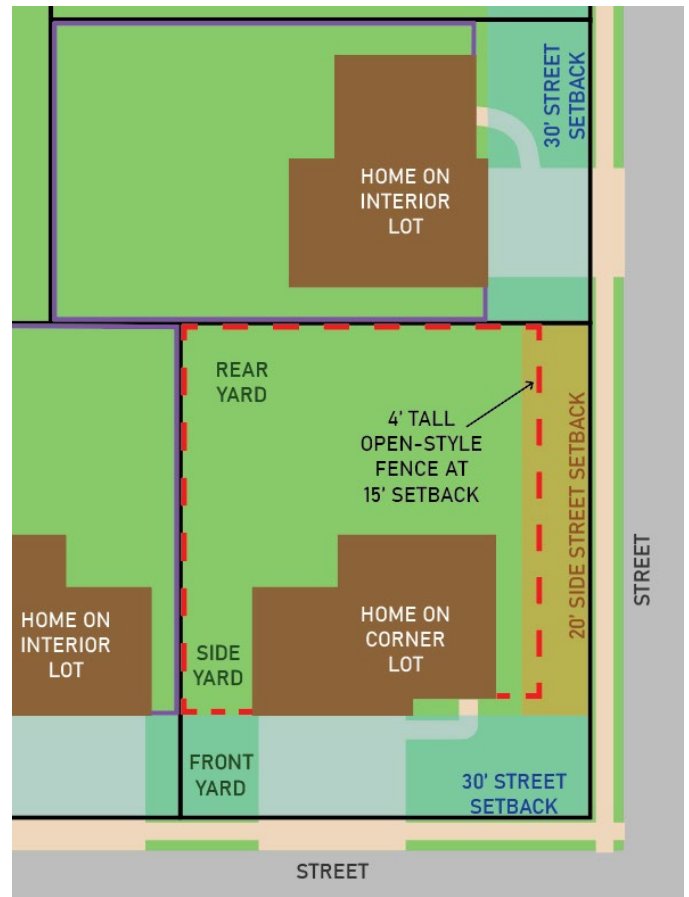
**b. Fence, Wall, and Retaining Wall Requirements by Type**

Table 1: Fence, Wall, and Retaining Wall Requirements by Type					
Type	Zoning Districts Allowed	Is a Permit Required?	Maximum Height <sup>4</sup> Allowed	Location Allowed	Materials Allowed
Fence/Non-Retaining Wall on Residential Property	All residential zoning districts and mixed-use districts that include residential uses	Yes	6' <sup>3</sup>	<ul style="list-style-type: none"> <li>• May be located on the side and rear <sup>1</sup> property lines</li> <li>• Front yard: Cannot be closer to the front property line(s) than the front wall of the constructed building</li> </ul>	<ul style="list-style-type: none"> <li>• Wood</li> <li>• Aluminum</li> <li>• Steel</li> <li>• Wrought Iron</li> <li>• PVC</li> <li>• Chain-Link (without slats)</li> <li>• Masonry</li> <li>• Stone</li> <li>• Concrete</li> </ul>
Fence/Non-Retaining Wall on Non-Residential Property	All non-residential zoning districts and mixed-use districts that do not include residential uses	Yes	10' <sup>3</sup>	<ul style="list-style-type: none"> <li>• Street-side side yards on corner lots: Privacy fences, open-style fences &gt; 4' tall, and walls shall meet the required setback from side streets. Open-style fences ≤ 4' tall may be set back 15' from the street-side side property line <sup>2</sup></li> </ul>	
Agricultural Fence/ Non-Retaining Wall	AG for agricultural purposes	No	6'	<ul style="list-style-type: none"> <li>• May be located anywhere on the property</li> </ul>	
Decorative Fence/ Non-Retaining Wall	All zoning districts	No	3'	<ul style="list-style-type: none"> <li>• ≤ 75% of the lot width. Cannot fully enclose the yard</li> <li>• May be located anywhere on the property</li> </ul>	
Recreational Fence/ Non-Retaining Wall	All zoning districts	Yes	6' for private swimming pools; 10' for other uses	<ul style="list-style-type: none"> <li>• 6' fence or wall may be located on side and rear property lines</li> <li>• &gt;6' fence or wall must be minimum 15' setback from property lines</li> <li>• Cannot be closer to the front property line than the front of the constructed building</li> </ul>	
Underground Electric Fence	All zoning districts	No	n/a	<ul style="list-style-type: none"> <li>• May be located anywhere on the property</li> </ul>	
Security Fence (Barbed Wire)	AG for agricultural purposes	No	8'	<ul style="list-style-type: none"> <li>• May be located anywhere on the property</li> </ul>	
	BP-1, BP-2, BP-S	Yes	18"	<ul style="list-style-type: none"> <li>• On top of fences with a 6' minimum height</li> </ul>	
	All zoning districts	Yes	Per Planning Commission approval in conjunction with a site plan or Special Use Permit		
Razor Wire	Prohibited				
Retaining Wall <4' Tall <sup>4</sup>	All zoning districts	No	<4'; shall not be >6" above retained surface	<ul style="list-style-type: none"> <li>• May be located anywhere on the property with minimum 2' setback from property lines</li> </ul>	<ul style="list-style-type: none"> <li>• Masonry</li> <li>• Stone</li> <li>• Concrete</li> </ul>
Retaining Wall ≥4' Tall <sup>4</sup>	All zoning districts	Yes	10' of exposed wall per tier; shall not be >6" above retained surface	<ul style="list-style-type: none"> <li>• May be located anywhere on the property with minimum 2' setback from property lines; however, a greater setback may be required depending on the design of the retaining wall</li> <li>• Tiers shall be separated by at least 3'</li> </ul>	

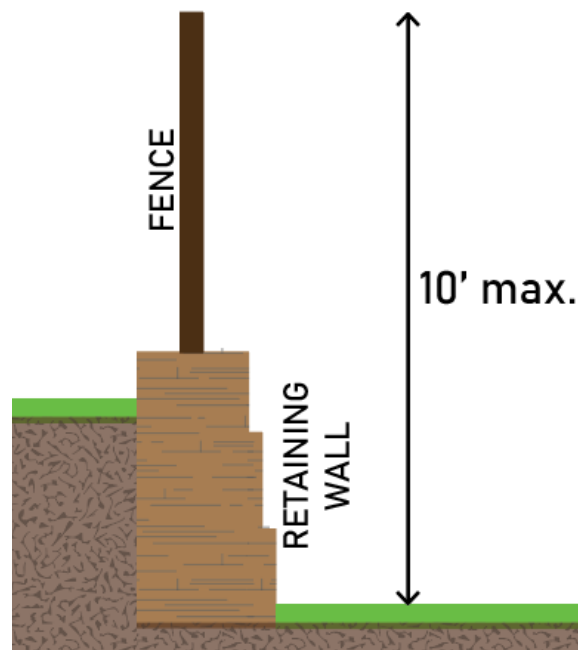
- <sup>1</sup> *Rear Setback: Fences constructed within a designated residential fence/wall buffer area or land use buffer area must comply with the location shown on the approved plan. On a double-frontage lot where the rear property line abuts a collector or local street and where a house on adjacent property fronts on that street or where adjacent property has the potential to be subdivided into a lot which fronts on that street, the rear yard fence of the double-frontage lot shall be located no closer to the abutting street right-of-way than a line established by the platted front building line of the adjacent property or, if unplatted, the distance from the abutting street right-of-way to the required front building line. However, the Community Development Director shall have the authority to reduce the required rear fence setback for such a double-frontage lot, provided that safe visibility at driveways, the view to the street for the neighboring properties, and the general character of the neighborhood along the street are maintained. This determination shall take into consideration the height and opaqueness of the proposed fence, the difference in elevation of the affected properties, and other existing site characteristics.*
- <sup>2</sup> *Provided that the fence does not impede safe visibility for pedestrians and vehicles as determined by the Community Development Director. See Figure 5-B-1-A and Figure 5-B-1-B.*
- <sup>3</sup> *When a fence or wall is located within 3' of or directly on top of a retaining wall, the height of the fence/wall plus the height of the retaining wall shall not exceed 10'. See Figure 5-B-1-C.*
- <sup>4</sup> *Height Measurements.*  
*Fence/Wall Height: Fence/wall height is the vertical distance measured from the adjacent grade to the top of the fence posts or panels, whichever is higher.*  
*Retaining Wall Height: Height of a retaining wall for determining whether engineering is required is defined as the distance between the bottom of the footing to the top of the wall, regardless of the amount of exposed wall. Height of a retaining wall in relation to maximum height allowed in Table 1 above is the vertical distance measured from the adjacent grade to the top of the wall.*



*Figure 5-B-1-A  
(Showing R-1 Setbacks for Illustrative Purposes)*



*Figure 5-B-1-B  
(Showing R-1 Setbacks for Illustrative Purposes)*



*Figure 5-B-1-C*

**c. Deviations from Strict Compliance**

1. Deviation Approval: It is recognized that site conditions vary greatly among sites and that the design, scale, and character of neighborhoods is varied. The Planning Commission shall have the authority to approve deviations from strict compliance with the regulations of this subsection at the time of initial project review for planned districts and the Community Development Director shall have the same authority for administrative plan and permit approvals, provided that the purpose and intent of this subsection is met. Deviations shall be clearly identified on plans submitted for plan and permit approval. The criteria to be considered by the Planning Commission and Community Development Director shall include, but not be limited to:
  - i. Purpose and intent of the Code.
  - ii. Impact on adjacent properties.
  - iii. Safety.
  - iv. Unique site conditions and constraints.
  - v. Promotion of high quality or unique design.
  - vi. Character of the neighborhood.

**PROPOSED DEFINITIONS WITHIN UDC SECTION 4-3-B-7**

**FENCE/WALL**: An above-grade structure or barrier, usually constructed of wooden, metal, masonry, or fiberglass parts, and used to mark a boundary or to define and enclose a specific area for the purposes of protection, privacy, safety, or confinement.

**FENCE/WALL TYPES**:

**AGRICULTURAL**: A fence or wall structure installed for agricultural purposes, such as farming or keeping of livestock. Such fencing includes, but is not limited to split rail, electric fencing, and barbed-wire fencing.

**DECORATIVE**: An open-style fence or wall structure used in a manner which is designed to add to the aesthetics or attractiveness of the lot or tract upon which it is placed, rather than as an enclosure or barrier. Railings along or adjacent to front stoops, porches, steps, landings, culverts, bridges, or sidewalks, shall not be considered as decorative fences.

**OPEN-STYLE**: A fence, including gates, designed and constructed so that the surface area of any segment of such fence contains at least 50% open space as compared to solid materials.

**PRIVACY/SOLID**: A fence, including gates, designed and constructed so that the surface area of any segment of such fence is greater than 50% opaque.

**RECREATIONAL**: A fence or wall used in conjunction with basketball courts, tennis courts, racquetball courts, softball/baseball fields, school playgrounds, swimming pools, or other similar recreational areas.

**RESIDENTIAL BUFFERS**: A fence or wall placed within a residential fence/buffer.

**SWIMMING POOLS/HOT TUB ENCLOSURES**: A fence or wall used to enclose a swimming pool or hot tub.

**TRANSITION BUFFER**: A wall or fence placed within a transition buffer.

**WALL, RETAINING**: A structure or barrier situated at or below grade, usually constructed of masonry, used to retain earth.

## PROPOSED DEFINITIONS WITHIN UDC SECTION 4-3-B-24

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**WALL**: See "FENCE/WALL".