

**ORDINANCE NO. 20-16**

**AN ORDINANCE AMENDING SECTION 4-3(d)(3) OF THE NEW HOPE CITY CODE  
RELATED TO FENCING AND SCREENING**

**THE CITY COUNCIL OF THE CITY OF NEW HOPE ORDAINS:**

**Section 1.** Section 4-3(d)(3) *Performance standards*- Fencing and screening is hereby amended to add the underlined text as follows:

(3) Fencing and screening.

a. *General provisions.*

1. The required screening provisions as specified in subsection (4) of this section, shall supersede, where applicable, the provisions of this subsection.
2. All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced, unless symmetrical.
3. No fence shall obstruct natural drainage. No fence shall be placed within an easement that obstructs or impedes the free flow of surface water from, or within any drainage easements. If a fence is constructed within the easement and it is required to be removed, the city shall not be required to pay compensation for any such fence.
4. The height of a fence, in the case of grade separation, shall be determined on the basis of measurement from the average point between the highest and lowest grade.
- ~~5. In the case of a corner lot with the building front oriented to the side yard abutting a street, fences over 42 inches may not encroach into either the required front yard setback or the required side yard setback abutting a street.~~
6. The following types of fences are prohibited:
  - i. Electric.
  - ii. Barbed wire or razor wire.
  - iii. Sheet metal, scrap metal, corrugated metal, or metal building, siding, or roofing material.
  - iv. Plywood or scrap wood.
  - v. Canvass, nylon, or other non-rigid material or fabric.
  - vi. Cast-off, secondhand, or other materials not originally intended to be used for constructing or maintaining a fence.

6. A building permit shall be required for the installation of any fence that is seven feet in height or taller.

b. *Residential fencing and screening.* Subject to the general provisions of this section:

1. Fences shall be at least five percent open for passage of air and light. Fences not meeting this design standard will be treated as walls and will be required to meet building setbacks.
2. Short fences. Fences 42 inches in height or less may be located on any part of a lot.
3. Tall fences.
  - i. Fences up to six-and-one-half (6.5) feet in height may be located in rear yards and/or side yards that do not abut a street, regardless of house orientation.
  - ii. Fences up to eight feet in height may be located ~~within the required side in rear yards and/or rear-side yards that do not abut a street, when meeting setback requirements for principal buildings setbacks of a lot which is behind the required front yard building setback as defined~~ within the applicable zoning district.
  - iii. Fences up to eight feet in height may be located within rear yards and/or side yards where the lot directly abuts a commercial or industrial zoned property (includes CB, CC, I, LB, R-B, and R-O districts).

c. *Commercial and industrial district fences.* Fences in the CB, CC, I, LB, R-B, and R-O districts are ~~S~~subject to the general provisions of this section:

1. Fences shall be at least five percent open for passage of air and light. Fences not meeting this design standard will be treated as walls and will be required to meet ~~building setbacks.~~ setback requirements for principal buildings within the applicable zoning district.
2. Commercial and industrial fences may be erected up to eight feet in height. Fences in excess of eight feet shall require a conditional use permit.
3. Commercial and industrial ~~fencing may be located within the required side and rear yard setback of a lot which is behind the required front yard building setback as defined within the applicable zoning district.~~ fences up to eight feet in height may be located in rear yards and/or side yards that do not abut a street, regardless of building orientation. Fences up to eight feet in height may be located in front yards and/or side yards that abut a street when meeting setback requirements for principal buildings within the applicable zoning district. Shorter fences may be allowed within the required setback in front yards and/or side yards abutting a street when approved as part of a site plan review.

**Section 2.** Effective Date. This ordinance shall be effective upon passage and publication.

APPROVED by the New Hope City Council this 23<sup>rd</sup> day of November, 2020.

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Kathi Hemken, Mayor

ATTEST:

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Valerie Leone, City Clerk

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