

FENCES

FENCE: A structure, partition or wall, including gates, forming a barrier at grade, erected for the purpose of enclosing or separating contiguous pieces of land or for the purpose of providing shade, privacy screening or security. Shrubs, hedges, trees and other plant material are not considered a fence.

Permit Required. It shall be unlawful to erect any fence over three and one-half (3½) feet in height (excepting temporary garden protection fences within the lot interior) in the City of Lexington without first having filed, with the Lexington City Building Inspector, an application for a fence permit together with a sketch or diagram of the type of fencing, design, height, and its location and having obtained a permit approved by the City Building Inspector for its erection. There will be a fee of ten dollars (\$10.00) for such permit.

No private fence shall be erected, permitted or maintained in any zoning district within the dedicated street right-of-way, or on any publicly traversed right-of-way. Fences over dedicated public drainage or on utility easements may be installed with written permission from the City Building Inspector. Fences so permitted shall not deny or impede necessary official ingress or egress to the easement area.

Every fence, which creates a wholly enclosed area and adjoins an existing or proposed street right-of-way, shall include a gate to provide access to the right-of-way.

Fences may be located on or within the property lot lines in rear yards, side yards, and front yards unless prohibited by subdivision or deed restrictions.

Rear yard. Fences not exceeding eight (8) feet in height may be erected in the rear yard of any lot.

Side yard—interior lots. Fences not exceeding eight (8) feet in height may be erected in the side yard of any lot. Side yard fences, except on corner lots, may not extend forward past the front building line.

Side yard—corner lots. Side yard fences on corner building lots may be extended beyond that portion of the front building line abutting a side street to the front property line or right-of-way. Fence construction must comply with Zoning Section 29-27.6 (site lines at intersections).

Front yard. Front yard fences cannot exceed four (4) feet in height. Front yard fences on corner lots must comply with Zoning Section 29-27.6.

Fences shall be constructed of commonly used residential type fencing. Commonly used fence materials include wood, brick, stone, concrete, chain-link, ornamental iron work

and extruded rigid vinyl. Rigid vinyl fences shall be constructed in accordance with the manufacturer's specific guidelines for installation. All fences shall be constructed with the finished surface facing neighboring property with support posts placed to the inside, except in cases where the posts are an integral part of the fence design which enhances the aesthetic appearance of the fence.

Fences enclosing outdoor swimming pools, spas, and hot tubs shall be erected and maintained to surround the entire swimming pool, spa, or hot tub area, and shall be sufficient to make such body of water not readily accessible to small children and shall meet or exceed the requirements of the 2018 International Swimming Pool and Spa Code and 2018 International Building Code Section 3109.

Maintenance. All fences, including legal non-conforming structures, shall be maintained in their original upright condition. Fences designed to be painted or have other surface finishes shall be maintained in their original condition as designed. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality. The Building Inspector or Law Enforcement Officers are hereby empowered to issue notices to property owners to comply with this Section. Owners will be given a reasonable time to comply, but not to exceed thirty (30) days except that an additional fifteen (15) day period may be given at the discretion of the Building Inspector.