

**ORDINANCE NO.: 2009-007**

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-277 Projections into required yards to add (11) Vinyl or plastic tarps are not permitted fence materials*

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STAMPED IN RED

BE IT ORDAINED by the Mayor and Council this 4th day of March, 2009, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-277, Projections into required yards to add (11) Vinyl or plastic tarps are not permitted fence materials, is amended to read as follows:

**Sec. 17-277. Projections into required yards.**

The general definition of yards as set forth in section 17-55 states that yards are unoccupied and unobstructed by a structure or portion of a structure from 48 inches above the finished grade level of the ground. However, the general definition shall be construed subject to the following exceptions and interpretations:

- (1) Those objects which are excluded from the definition of a structure under section 17-55 shall not be subject to regulation under interpretation of the definition of yard.
- (2) Steps and open porches without roofs shall be allowed in any required yard to within three feet of an adjoining property line.
- (3) Subject to the height restrictions contained within this Section, screening walls and fences may only be permitted within a required yard upon the determination of the zoning administrator that the fence or wall:
  - a. Does not impede site vision clearance for driveways or streets; and
  - b. Does not include gates that swing outward into sidewalks or public rights-of-way.

A fence or wall not over seven feet in height is permitted outright in side or rear yards, provided that no wall or fence in excess of five feet is permitted within six feet of a residential structure on adjacent property.

- (4) Eaves, cornices, gutters and other minor architectural features projecting less than 18 inches from the main portion of a building shall be allowed to project into any yard.
- (5) In C-3, C-4, M-1 and M-2 districts, structures and devices incidental to servicing, and roofs over such structures and devices, are permitted within required front yards, provided that they do not constitute a substantial impediment to visibility across such yards which would contribute to the creation of traffic hazards, and further provided that servicing operations in connection therewith can be conducted so as not to interfere with public use of adjacent sidewalks or public streets.

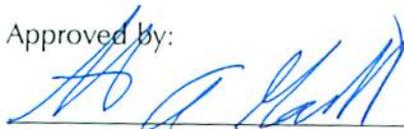
- (6) Retaining walls that do not project more than 48 inches above the grade level at the property lines of adjoining lots are permitted outright. A retaining wall in excess of 48 inches may be allowed in any required yard upon the determination of the zoning administrator that the retaining wall will not impede site vision clearance for driveways.
- (7) Signs are permitted to encroach upon required yards in certain instances as set forth in division 12 of this article.
- (8) Screening required by this Code may encroach into required yards.
- (9) Privacy fences not to exceed six feet in height may be erected in the secondary front yard setback.
- (10) Fence posts, wall columns, and decorative elements located thereupon may extend inches above the height restrictions for fences and walls contained within this Chapter. Where fence posts or wall columns are used to frame a gate, said posts or columns may extend 36 inches above the height restrictions for fences and walls contained within this Chapter. This allowance for additional height may extend to the gate itself and/or a header across the gate provided that the width measured at the outer edge of each associated post or column does not exceed eight feet. No allowance for additional height within this section shall permit any feature of any fence or wall to extend above seven feet high.
- (11) Vinyl or plastic tarps are not permitted as fencing materials. Notwithstanding the provisions within Division 7 of this Article, all fences composed of such material shall be removed or replaced with a permitted material within 180 days of the effective date of the ordinance that established this section [insert actual date here]. This subsection is not intended to prohibit the use of mesh attached to a chain link fence.

Requested by:

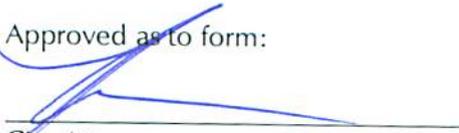
Planning and Development Services

  
MAYOR

Approved by:

  
Interim City Manager

Approved as to form:

  
City Attorney

Public Hearing: 2/18/2009

Introduced: 2/18/2009

Final Reading: 3/4/2009

ATTEST:

  
City Clerk