

E. Screening, Buffering, and Fencing

1. Purpose

The purpose of this section is to promote compatibility and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

2. Applicability

This section applies to development in all zoning districts. The regulations herein must be met in the following circumstances:

- a. At the time any building or structure is constructed or expanded by more than 10 percent in square footage; or
- b. At the time of a change in use or occupancy.

3. General Requirements

- a. All fencing and screening shall comply with **3.04.E.3. Sight Visibility Triangle** .
- b. No wall or fence shall be permitted in a public right-of-way or easement, unless a written encroachment agreement is obtained with the affected party and approved by the Public Works Director.
- c. All fences, gates, and screening devices (regardless of whether it is required) must be maintained in good condition, free from missing, broken, or leaning components, and must not pose a hazard to life or property.
- d. Maintenance shall be the responsibility of the owner of the property on which the fence, gate, or screening device is located.
- e. All required screening devices must be equally finished on both sides.
- f. Screening must be installed prior to the issuance of a Certificate of Occupancy.

4. Nonresidential, Multifamily, and Manufactured Home Park Districts

Land use buffering shall be provided along property lines separating zoning districts as prescribed below:

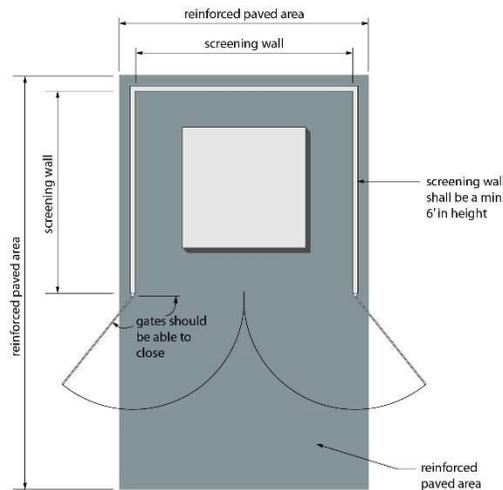
- a. When nonresidential, multifamily residential, or manufactured home park zoning shares a common boundary with single-family residential, two-family residential, residential planned developments or agricultural zoning districts.
- b. Required land use buffers must consist of a minimum 10-foot-wide vegetative buffer yard and 7-foot opaque wooden fence plus at least 25 points based on the following criteria. The minimum 10-foot-wide vegetative buffer is not required in addition to buffer zones required per Section 18-347.
  - i. Points:
    - (a) Opaque masonry wall with 6-foot minimum height in lieu of providing opaque wooden fence = 10 points
    - (b) Each additional 5 feet of buffer yard = 5 points (maximum of 10 points). Buffer zones, as required in Section 18-347, can be counted toward buffer yard points.
    - (c) One (1) tree with a mature height of at least 20-feet and height of at least 8-feet and caliper size of 4-inches (measured 12-inches above ground level) at the time of planting per 25 lineal feet of buffer yard = 15 points. Existing trees that are preserved and are listed on the City of Tomball's Tree List can be used to meet this requirement.
    - (d) Three (3) smaller trees with a height of at least 8-feet and caliper size of 2-inches (measured 12-inches above ground level) at the time of planting per 25 lineal feet of buffer yard = 15 points. Existing trees that are preserved and are listed on the City of Tomball's Tree List can be used to meet this requirement.

- c. Trees planted to accommodate required land use buffering shall be in addition to the required trees prescribed within **C. Landscaping** .
- d. Preservation of existing trees: Each tree preserved to accommodate the required land use buffer shall count as one tree toward the overall land use buffering requirement regardless of size. Trees planned to be preserved must be on the City of Tomball Tree List.
- e. For purposes of interpreting this section, mixed use zoning shall be considered nonresidential. Buffer yards are required between adjacent uses as indicated. For purposes of this section, adjacent includes properties separated by an alley but does not include properties separated by a street.
- f. Buffer yards are required between adjacent uses as indicated. For purposes of this section, adjacent includes properties separated by an alley but does not include properties separated by a street.
- g. Parking lots, driving lanes, loading areas, or other similar areas of vehicular access shall be screened from residentially zoned property, whether adjacent or across a street, by a continuous hedge, planter, berm, fence, wall, or combination of these, with a minimum height of 36 inches. This requirement shall not be required along state highways.
- h. Open space in buffer yards shall be planted in grass or other vegetative ground cover.
- i. Alternative buffering may be permitted by the Community Development Director during the site plan review process so long as the buffering and aesthetic intent of these requirements are met.
- j. Refuse Areas
  - i. The standards within this section shall apply to all new enclosures added to a site or if a waste/recycle dumpster or permanent roll-off is added to a site. Any site that is deemed abandoned by **2.01.E.6. Abandonment of Nonconforming Uses and Structures, and Cessation of Use of Structure or Land** shall comply with the provisions of this section.
  - ii. Refuse containers shall be located no closer than 30 feet to any adjacent single-family zoning district, and shall be located so as to provide safe and convenient pickup by refuse collection agencies.
  - iii. Refuse areas visible from a public right-of-way or from any residential property must be screened by a minimum six-foot solid masonry wall on at least three sides , with an opaque gate on the fourth side. See **Figure 2.05-12. Example of a Screened Refuse Area** . The gate shall remain closed at all times except when being used for filling, emptying, cleaning, or maintenance. Alternate equivalent screening methods may be approved by the Director.
  - iv. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per **Figure 2.05-13. Refuse Area Screening** .

Figure 2.05-12. Example of a Screened Refuse Area



Figure 2.05-13. Refuse Area Screening



k. Mechanical/Utility Equipment

Mechanical equipment, including roof-mounted equipment, must be screened from the view from streets, parking lots, parks, and residential districts with materials consistent with the principal structure, opaque fencing, masonry walls, and/or landscaping. Wall-mounted electrical panels are exempt from this standard.

5. Fences in Residential Areas

The following provisions shall apply to areas all residential uses with 4 or fewer units.

a. General Requirements

- i. Fences shall not exceed 8 feet in height unless otherwise specified.

b. Front Yard Fences

- i. Fences located between the front property line and the closest primary or accessory structure are subject to the following height limits:
  - (a) For lots smaller than 5 acres: 4 feet.
  - (b) For lots 5 acres or larger: 6 feet.
  - (c) Non-opaque wrought iron or similar fencing, up to 6 feet in height, may be approved by the Community Development Director in the SF-20 and AG Districts.
- ii. For lots without a primary building or accessory structure, the maximum fence height is measured at the front setback line.

c. Materials and Design Standards

- i. Fences and gates must use durable materials such as wood, vinyl, metal, brick, stone, or other materials commonly used in conventional fence construction.
- ii. Chain link fencing is permitted only behind a front building face.
- iii. Prohibited Materials and Uses
  - (a) Barbed wire, electrified fencing, chicken wire, or hog fencing, unless approved by the Community Development Director for agricultural uses on lots one acre or larger.

## Unified Development Code

### Article 2. Zoning Regulations | 2.05. Zoning Development Standards

- (b) Fences with sharp or hazardous features such as spikes, nails, or razor wire.
- d. Vehicular Access Gates
  - i. Gates designed for vehicular access shall be set back from the edge of street or road pavement a minimum of 25 feet.
  - ii. Locking mechanisms for vehicular gates shall be subject to approval by the City Fire Marshal.
- e. Special-Purpose Fencing
  - i. Fences used for tennis courts, play areas, or gardens may not exceed ten (10) feet in height and may be constructed of chain link, fabric-type material, or other durable materials.
  - ii. Fences must not obstruct setbacks, easements, or sight visibility areas.
  - iii. All special-purpose fencing requires approval from the Director.