

## 10-1-33: FENCE STANDARDS:

No person shall construct, erect, install, place, or replace any fence in the city not in compliance with the terms and conditions of this title and the international residential code. Fences lawfully existing or permitted prior to the effective date hereof (March 6, 2018), shall not be enlarged, extended or replaced, except in strict compliance with all the requirements of this title.

### A. Residential Zoning Districts:

#### 1. Permitting:

- a. **Fence Permit:** A fence six feet (6') in height or less shall be required to obtain a land use permit to ensure the placement and materials are in conformance with applicable codes.
- b. **Existing Fences:** For existing fences a building permit is not required for painting, maintenance or repair. The property owner shall be responsible for the following:
  - (1) Installing the fence within the boundaries of the owner's property and in compliance with this section, including proper materials, height, setback and clear view areas; and
  - (2) Complying with any subdivision covenants or restrictions, deed restrictions and utility easement restrictions.
- c. **Fences Requiring A Building Permit:** A fence greater than six feet (6') in height requires a building permit which shall be obtained prior to construction, erection, installation, or placement. A building permit shall be valid only for the term of issuance, unless suspended or revoked.
- d. **Permit Application:** For any fence which requires a building permit, the following shall be filed with the city:
  - (1) A completed city building permit application form;
  - (2) A drawing, site plan or plat map displaying property boundaries, the location of the buildings and structures on the property, the proposed location of the fence, height of the fence, fencing materials and its distance from existing structures on the property;
  - (3) Engineering calculations including wind and snow loads;
  - (4) The written consent of the property owner(s) where the fence will be installed; and
  - (5) Any other information required by the city to assist in the review of the application.
- e. **Permit Fee:** A permit fee shall be remitted upon issuance of the building permit, the amount of which shall be established by the city building official in accordance with the adopted city fee schedule.
- f. **Application Review And Permit Issuance:** The community development department shall review, approve and issue the building permit provided that the application is in compliance with this code.

- g. **Completion Of Installation:** A fence authorized by a building permit shall be fully installed in accordance with this title within one hundred eighty (180) days of the date of permit issuance.
- (1) A permit shall expire one hundred eighty (180) days after the date of issuance, after which no work requiring such a permit shall be commenced, resumed or undertaken until an extension is granted or a new permit is issued.
  - (2) The applicant may file a written request for an extension of the building permit prior to expiration, stating the reason for the request. If good cause is shown, an additional one hundred eighty (180) days may be granted by the community development director to complete the fence installation.

2. **General Requirements:**

- a. **Obstruction Of Ingress/Egress Area Of A Dwelling:** A wall or fence may not be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of three feet (3') shall be maintained between any fence and any such window or opening in a dwelling.
- b. **Height Measurement:** Fence height shall be measured from the finished grade to the highest point of the fence. "Finished grade" means the average finished grade of the property nearest the fence.
- (1) Berms or other means to raise the elevation of the ground upon which a fence is proposed to be located shall be included in the measurement of fence height.
  - (2) Fence height determinations shall be made by the community and economic development director, or designee.
- c. **Grade Differential:** If a grade differential exists along a property line separating two (2) lots as a result of a retaining wall or topographic feature, a fence, hedge, wall or other permitted screening device may be erected to the maximum height permitted on either side of the property line.
- d. **Vacant Lots:** Fencing standards shall apply to a vacant or undeveloped lot in the same manner as a developed lot.
- e. **Front Yard Regulations:** Fences installed in a front yard shall comply with all of the following requirements:
- (1) A fence seventy five percent (75%) or more open is allowed up to four feet (4') in height within the front yard setback. The front yard setback is that area including side yards, between the front yard setback line and the front property line;
  - (2) A fence which is not seventy five percent (75%) or more open is allowed up to three feet (3') in height;
  - (3) No person shall locate a fence exceeding four feet (4') in height between the principal structure and the front property line; and

(4) Fences which exceed three feet (3') in height shall not encroach within clear view areas as regulated in section [10-1-31](#) of this chapter.

f. **Rear/Side Yard Regulations:** Fences in rear and side yards shall meet all of the following requirements:

(1) Fences up to six feet (6') in height are permitted in side or rear yards and shall not extend beyond the front yard setback line. (2) If a higher fence is necessary to prevent wildlife from entering a property, the maximum height of the fence located within the rear and side yards may be increased to eight feet (8') subject to the provisions of subsection A2g(1) of this section. Such fences shall only be allowed in side and rear yards behind the front building line of the principal structure. Fences above six feet (6') in height are not permitted in the minimum rear yard setback on a double frontage lot.

(3) Fences which exceed three feet (3') in height shall not encroach within clear view areas as regulated in section [10-1-31](#) of this chapter.

(4) A fence abutting the interstate freeway system may be erected to a height not exceeding eight feet (8') on the property line adjacent to the freeway right of way.

(5) No fence shall be permitted in excess of six feet (6') in a street side yard on a corner lot.

g. **Corner Side Yard:** Fences on corner lots shall meet all of the following requirements:

(1) Decorative wrought iron fencing or fencing that is similar in appearance and which is at least seventy-five (75%) percent or more open may be installed up to six (6') feet in height, one foot behind sidewalk; and shall not extend into the front yard setback. (see Figure 1 below)

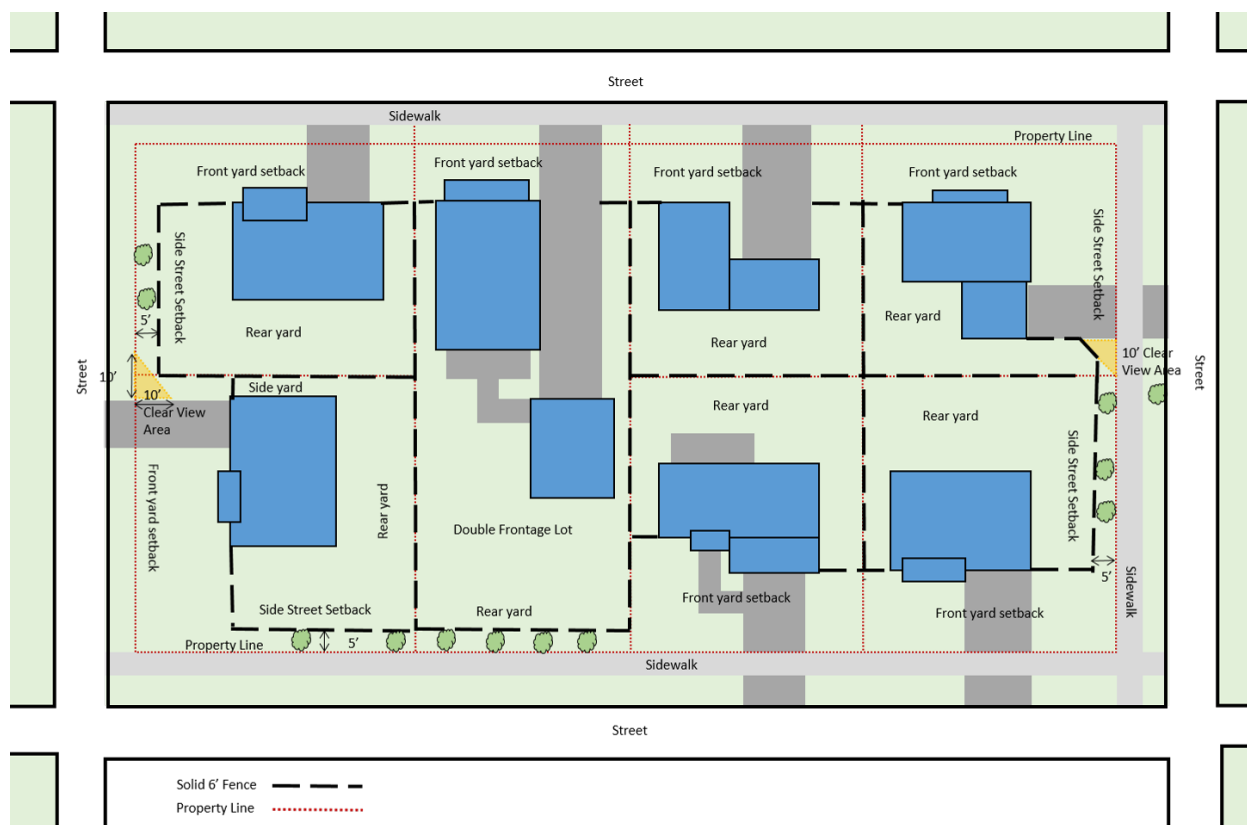
(2) Solid fences shall be permitted up to six (6') in height and shall be setback a minimum of five (5') feet behind the side walk or side street property line, whichever is greater; and may not extend into the front yard setback. (see Figure 1 below)

(3) Solid fences shall not encroach into any ten (10') foot clear view triangle for adjacent property owner driveway. (see Figure 1 below)

(4) Where corner lots are adjacent to each other with rear yards abutting, a six-foot (6') solid fence is permitted, set back five feet (5') from the street side yard lot line. (see Figure 1 below)

(5) Where a corner lot rear property lot abuts a side yard of a neighboring property line, solid fences shall be setback from the sidewalk or street side property line to the minimum front setback of the adjacent lot. (see Figure 1 below)

**Figure 1: Solid Fences**



**h. Materials:** All fences shall meet all of the following requirements:

- (1) Fences greater than six feet (6') in height but not exceeding eight feet (8') in height shall be seventy five percent (75%) or more open above six feet (6') in height and constructed of materials that complement the six foot (6') fence. Chain link fences above six feet (6') in height are only permitted on lots greater than or equal to three-fourths ( $\frac{3}{4}$ ) of an acre or as permitted in subsection 10-1-33(A-2-l) of this section.
- (2) No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing shall not be used for, or in the construction of a fence.

**i. Maintenance:**

- (1) Fences shall be maintained in a manner to prevent rust, corrosion and deterioration, not to become a public or private nuisance, and not to be dilapidated or a danger to adjoining property owners or the public.
- (2) Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair.

- (3) Every fence installed shall be maintained in such a way that it will remain plumb and in good repair.

**j. Existing Fences:**

- (1) Any fence existing as of the effective date hereof, shall not be enlarged, extended or replaced, except in strict compliance with all the requirements of this title.
- (2) A noncomplying wall, fence, landscaping element or related site feature shall be considered a noncomplying site element and shall not be reconstructed, except as permitted under the procedures of noncomplying sites as set forth in this title.

**k. Prohibited Fences: No person shall install:**

- (1) A fence which creates a hazard to users of the street, sidewalk or to nearby property; or
- (2) An incomplete fence, consisting only of posts and supporting members.

**l. Special Fences: Fences and/or enclosures for specific uses (whether public or private) including swimming pools, sports courts, or gardens shall meet all of the following requirements:**

- (1) If up to ten feet (10') in height, it shall not be sight obscuring and shall be at least five feet (5') away from the property line;
- (2) Shall be in side and rear yards located behind the front building line of the principal structure. All corner lots shall have one street side yard and one front yard;
- (3) Permitted if greater than ten feet (10') in height and/or closer than five feet (5') to a property line with a conditional use permit or, if the fence is part of a new project, through a site plan review approval;
- (4) Chain link is an acceptable material for special fences; and
- (5) No fence shall be permitted in excess of six feet (6') in a street side yard on a corner lot.

**3. Appeals:**

An aggrieved person adversely affected by the denial of a permit or decision, determination or interpretation under this subsection A may appeal such denial, decision, determination or interpretation within ten (10) days to the city's hearing officer. (Ord. 2014-08, 9-2-2014)