

## 10-5-18: FENCES:

A. Intent: It is the intent of this section to establish minimum standards for the placement and height of fences for the purpose of facilitating safety of pedestrians and motor vehicle users in connection with ingress and egress to private drives and parking areas, and to more adequately protect the health, safety and general welfare of the population.

B. Definitions And Terms: For the purpose of facilitating the implementation of this section, the following terms are hereby defined and further identified on the following figures [4-6-18A](#), [4-6-18B](#) and [4-6-18C](#) of this section:

**CLEAR VISION AREA:** That portion of a corner lot or parcel as defined within and subject to the provisions of section [10-5-17](#) of this chapter.

**FENCE:** Any constructed tangible barrier, lattice work, screen, wall, or any continuous growth of shrubs, vines, trees or other vegetative material.

**OPEN FENCE:** Means and includes any fence that is forty percent (40%) or more open and measured as an eight foot (8') width by the maximum fence height being proposed, including fence posts/pillars and rails.

**OPTIONAL ENCLOSURE AREA:** Means and includes the portion of the street side enclosure area beginning at the point fifteen feet (15') from the lip of curb and gutter to the required side setback excluding the clear vision area, all of the required front setback area and further identified in figure [4-6-18A](#) of this section.

**REAR SIDE ENCLOSURE AREA:** Means and includes all yard area of a lot other than the area within the street side enclosure area and further identified in figure [4-6-18A](#) of this section.

**STREET SIDE ENCLOSURE AREA:** Means and includes, as applicable:

1. Corner Lot: All of the required front setback area and also all of the required side setback area adjacent to a street and further identified in figure [4-6-18A](#) of this section.
2. Interior Lot: All of the required front setback area of a lot and further identified in figure [4-6-18A](#) of this section.

C. Fence Height And Placement:

1. Street Side Enclosure Area:

- a. No fence shall be constructed or maintained at a height greater than three feet (3'), within any portion of the street side enclosure area; provided however, an open fence may be constructed at a height no greater than four feet (4').
- b. Where there is uncertainty regarding the location of the lip of curb and gutter (i.e., lots adjacent to undedicated streets), the location of the street side enclosure area shall be determined by the city engineer.

2. Optional Enclosure Area: Within the portion of a lot designated as optional enclosure area, any fence may be constructed, subject to all of the following:

- a. The maximum height of the fence shall be not more than six feet (6').
  - b. Driveway safe vision area. Where the closest portion of any vehicular driveway on the same or an adjacent lot is located within twelve feet (12') of a fence, the height of the fence shall be modified to conform to subsection C1 of this section.
  - c. Where the adjacent lot is vacant, the location of the closest portion of a vehicular driveway shall be assumed to be six feet (6') from the common lot boundary.
  - d. The entire portion of the street side enclosure area situated between the lot boundary and any proposed fence within the optional enclosure area shall be landscaped. The landscape treatment shall include, but not be limited to:
    - (1) A combination of turf and other plant materials;
    - (2) An adequate sprinkler irrigation system; and
    - (3) The placement of street trees distributed at the rate defined on the "list of acceptable street trees" as defined in figure [4-6-18B](#) of this section. Trees installed in conformance with this requirement shall be limited to the species set forth and shall have a caliper of not less than one inch (1").
  - e. The request for approval of a fence within the optional enclosure area shall include a plan, drawn to scale, and show the proposed landscape treatment of the area between the property line and fence, together with a bond or other assurance acceptable to the city for the purpose of ensuring the installation of the landscape features.
  - f. Clear vision area. Notwithstanding any provision of this subsection, any fence, including any appurtenant pillar or post, or similar screening material, situated within the clear vision area of a corner lot or parcel shall comply with the requirements for such area as set forth under section [10-5-17](#) of this chapter. In the event of conflict, the provisions of the more strict shall apply.
3. Rear/Side Enclosure Area: Within the portion of a lot designated as rear/side enclosure area, the maximum height of any fence shall be six feet (6'), excluding the required front setback area.

D. Exceptions To Height Requirements:

1. Public Utility Facilities: Fences required by state law or policy to enclose public utility installations and schools shall be exempt from the height requirements, but shall meet other pertinent state and local requirements. (Ord. 4-16-2002A, 4-16-2002)
2. Tennis Courts, Sport Courts, Batting Cages, Swimming Pools, Etc.: Fence type enclosures for uses such as tennis courts, sport courts, swimming pools, ball diamond backstops, batting cages, etc., may be erected to a height greater than six feet (6') but not more than eighteen feet (18'), provided:
  - a. Such enclosure does not constitute a part of a fence enclosing a property.
  - b. All portions of the enclosure shall be located within the rear/side enclosure area of the lot.

- c. The enclosure shall be set back from the property line of the lot to which it is appurtenant and also the main building upon said lot for a distance of not less than ten feet (10'). (Ord. 11-18-2008B, 11-18-2008)
3. Retaining Walls: Where a retaining wall protects a cut or fill slope along a property line separating two (2) parcels, the owner of the parcel at the top of the retaining wall shall be entitled to construct a fence at the top of the retaining wall in conformance with the requirements of this section. The owner of the property at the bottom of the retaining wall shall be entitled to construct a fence to the same elevation as the top of a fence constructed or proposed to be constructed along the top of the retaining wall.
4. Pillars: Where a fence proposes the use of pillars, said pillars shall be allowed to extend up to eighteen inches (18") above the allowable height of the fence and a minimum spacing of six feet (6') between pillars.

#### E. General Requirements:

1. Construction Materials: All fences shall be constructed of substantial material and the design and construction shall be consistent with the quality of dwellings and other improvements within the surrounding area.
2. Barbed Wire Fences Prohibited: It shall be unlawful for any person to erect or cause to be erected or to maintain any barbed wire fence along or adjacent to any public street within a residential zone.
3. Building Permit Required; Zoning Administrator To Approve; Appeal: Before commencing construction, plans for all fences shall first be submitted to and approved by the zoning administrator. Where, in the opinion of the zoning administrator, a proposed fence does not conform to the criteria applicable for the proposed fence, or other requirement of this section, or would have the effect of creating an unsafe condition, the zoning administrator shall deny such application. Any applicant aggrieved by a decision of the zoning administrator may appeal the decision to the board of adjustment who shall have the authority to reverse, affirm or modify any decision of the zoning administrator.
4. Double Frontage Lots: The placement of fences within the rear lot portion of any double frontage lot shall conform to the standards for fences within the optional enclosure area (subsection C2 of this section) and the clear vision area (section [10-5-17](#) of this chapter), where applicable. (Ord. 4-16-2002A, 4-16-2002)

#### F. Special Provisions Relating To Fences Adjacent To Public Parks, Trails And Certain Major Streets:

1. Intent: It is the intent of this subsection to establish certain standards for the construction of fences adjacent to public parks, public trail corridors and certain major traffic arteries that are highly visible to the public for the purpose of achieving a coordinated appearance and consistent quality in design and construction of such facilities.
2. Applicability: The provisions of this subsection shall apply to those certain portions of dwelling lots and other parcels located within the boundaries of the street/parkway fence overlay zone, or parcels adjacent to current or planned parks or trail corridors. The territory included within the street/parkway fence overlay zone shall be as set forth on that certain map, figure [4-6-18C](#) of this section. All fences

located within the boundaries of the street/parkway fence overlay zone or any segment thereof shall be designed, constructed and maintained in accordance with the provisions of this subsection.

3. Special Fencing Standards: The following standards shall apply to all fences constructed on applicable parcels: (Ord. 11-18-2008B, 11-18-2008)
  - a. Material: The fence shall be white, tan, or gray vinyl, of any style or shape. Wrought iron fencing is permissible, provided it shall be black or brown in color.
  - b. Type: Where trail segments are greater than one hundred thirty feet (130') in length and less than thirty feet (30') in width, no fence bordering the trail segment shall be constructed or maintained at a height greater than four feet (4'); however, an open fence may be constructed at a height no greater than six feet (6'). When the trail segment is adjacent to a major street corridor, according to the parkway fence overlay map, fence standards as specified elsewhere in this section apply with planning commission approval. (Ord. 06-17-2014A, 6-3-2014)
  - c. Height: The maximum height is six feet (6'). The height shall be measured from natural grade.
  - d. Placement: The fence shall be constructed on the property line. Exceptions may be granted by the city manager or designee for topographical issues.

#### G. General Exceptions:

1. Planned Residential Or Commercial Developments: No fencing of any type or style is allowed surrounding or within a planned residential or commercial development without the prior recommendation of the planning commission and approval of the city council. The city council is authorized to grant approval on any type or style of fence within any planned residential or commercial development.
2. Altering Standards; Appeals: Standards may be altered upon request by a group of adjacent property owners upon a finding by the city manager or designee, after consulting with the zoning administrator, that the request is consistent to the objectives of this section.
  - a. Appeals to the city manager's decision on exceptions may be made to the city council within thirty (30) days of the city manager's decision. (Ord. 11-18-2008B, 11-18-2008)

FIGURE 4-6-18A

