

Sec. 125-374. - Fences generally.

- (a) *Permit required.* Except as otherwise provided herein, no person shall erect, alter or relocate any fence within the city without first having been issued a permit therefor.
- (b) *Permit fee.* A fee as set forth by resolution of the city council shall be charged for a permit under this subdivision for new fences, as well as the replacement of fences in the same location.
- (c) *Application procedures.*
  - (1) *Residential, single-family and two-family.* Each application for a permit under this subdivision shall be submitted to the zoning administrator or his designee on forms provided for by the city. Each application shall include a site plan drawn to scale showing the location of the houses, garages and other structures on the lot and location of the fencing to be erected, altered or relocated.
  - (2) *Residential, other than single-family and two-family.* Commercial and industrial uses. Request for fencing shall be processed as part of and according to the procedures of site plan review.
- (d) *Intent of fence regulations.* The purpose of this section is to enact minimum restrictions on fencing necessary to ensure orderly and attractive development, to enhance "curb appeal" from city streets, to protect the health and welfare of the citizens, to allow a free flow of air, to prohibit unreasonable restrictions of you while allowing each property owner to protect his property in privacy.
- (e) *General requirements.*
  - (1) *New construction, maintenance, and design requirements.*
    - a. Fencing shall be constructed and maintained so as not to endanger life or property. Any fence which through lack of repair, type of construction, or which otherwise imperils health, life, property, or the aesthetic quality of a neighborhood shall be deemed a public nuisance.
    - b. The side of the fence considered to be the face shall face abutting property. The face shall be defined as the finished side of the fence rather than the side with structural supports.
    - c. If fencing is built away from a property line, property on both sides of the fence must be maintained so as not to create a public nuisance.
  - (2) *Rear yard boundary fence.*
    - a. *Height restrictions.* A rear yard boundary fence shall not exceed six feet in height.
    - b. *Required yard location.*
      - 1. A rear yard boundary fence shall be permitted only within the rear yard, except where rear yard access from the principal building is achieved from an entrance/exit to a side yard. In such instances, a six-foot boundary fence is permitted in the side yard to a distance not greater than three feet beyond the entrance/exit in the direction of the front yard.
      - 2. Should a corner lot have a rear lot line in common with the side lot line of an abutting lot, the boundary fence shall meet the principal structure's required side yard setback for corner lots, or shall not extend past the front corner of the house on the abutting lot, whichever is less.
      - 3. Large lots containing structures set back 100 feet or more from a street right-of-way, a rear yard boundary fence shall be permitted within side yards to the front of the structure, or in the case of two adjacent structures, to a line connecting the front of such structures.
      - 4. Notwithstanding anything herein to the contrary, a decorative fence or a vinyl chain-link fence may have a setback along the side street right-of-way of a double corner lot (but only in the rear yard of the double corner lot) of not less and ten feet.

- (3) *Traffic visibility requirements.* On any corner lot, no fence shall be erected in the triangle formed by the front lot line, side street lot line, and a third straight line joining points on such property lines 30 feet from their intersection at the corner of the lot when such action would impede vision above a height of 2½ feet above the centerline grades of the adjacent streets.
- (f) *Requirements for residential areas.*
- (1) *General design requirements.*
- a. The use of barbed wire, or of any electrical current is prohibited.
  - b. If a chainlink fence is constructed, it shall have a minimum gauge of 11.
- (2) *Rear yard boundary fence.*
- a. *Height restrictions.* A rear yard boundary fence shall not exceed six feet in height.
  - b. *Required yard location.*
    1. A rear yard boundary fence shall be permitted only within the rear yard, except where rear yard access from the principal building is achieved from an entrance/exit to a side yard. In such instances, a six-foot boundary fence is permitted in the side yard to a distance not greater than three feet beyond the entrance/exit in the direction of the front yard.
    2. Should a corner lot have a rear lot line in common with the side lot line of an abutting lot, the boundary fence shall meet the principal structure's required side yard setback for corner lots, or shall not extend past the front corner of the house on the abutting lot, whichever is less.
    3. Large lots containing structures set back 100 feet or more from a street right-of-way, a rear yard boundary fence shall be permitted within side yards to the front of the structure, or in the case of two adjacent structures, to a line connecting the front of such structures.
- (3) *Decorative fences.*
- a. *Height restrictions.* A decorative fence, or any natural hedge or closely planted vegetation, shall not exceed four feet in height within the limits of the front and side yards.
  - b. *Required yard location.*
    1. A decorative fence is the only type of fence allowed within the limits of the front yard or side yards, except as indicated in subsection (e)(2)a of this section.
    2. A decorative fence erected on a corner lot shall be subject to the additional traffic visibility requirements in subsection (e)(2)b of this section.
  - c. *Design requirements.* A decorative fence shall have an opacity of no greater than 50 percent.
- (4) *Rear yard privacy fences.*
- a. *Height restrictions.* A rear yard privacy fence shall not exceed eight feet in height.
  - b. *Required yard location.* A rear yard privacy fence shall be located only within the buildable area of the rear yard. Under no circumstances shall a rear yard privacy fence be allowed in the side or front yard of a residential lot.
- (g) *Requirements for commercial and industrial areas.*
- (1) *Fences for screening outdoor storage areas.*
- a. *Height restrictions.* All fences required for the screening of outdoor storage areas shall be at least six but not more than eight feet in height.
  - b. *Construction and design requirements.*

1. All fences required for screening open storage areas shall have an opacity of at least 90 percent.
  2. Screening fences shall be architecturally harmonious with the principal building and shall be compatible with the natural surroundings.
- (2) *Fences for the separation of incompatible land uses.*
- a. *Explanation.* Fences used for screening may be required at locations where commercial or industrial uses are adjacent to or across the street from property zoned or developed for residential or public use, as described in section 125-373(a) through (c).
  - b. *Height restrictions.* The screening required shall consist of a continuous fence or wall at least six but not more than eight feet in height.
  - c. *Construction and design requirements.*
    1. The screening fence required shall have an opacity of at least 75 percent.
    2. A louvered fence shall be considered adequate if it blocks vision from a 90-degree angle to the fence.
    3. Plant materials of a type approved by the community development department may also be required in addition to, or in lieu of, fencing.
  - d. *Required location on property.*
    1. The screening fence shall not extend to within 15 feet of any street or driveway opening onto a street.
    2. The fence shall be placed along property lines or, in case of screening along a street, five feet off the property line with landscaping (trees, shrubs, grass, and other plant materials) between the screening fence and the property line.
- (3) *Fences for protection from danger and of valuable private property.* It may be necessary for a commercial or industrial use to construct fences specifically to protect people from danger or to guard valuable private property. Such uses may be enclosed with an industrial chainlink fence of at least six feet but not more than eight feet in height topped with three strands of barbed wire, provided they project over the property on the interior side of the fence.

(Ord. No. 80-4, § 704.3, 7-1-1980; Ord. No. 99-15, § 2, 4-27-1999; Ord. No. 2008-06, § 2, 6-24-2008; Ord. No. 2013-09, § 16, 7-9-2013)