

29.05.130 Regulations Governing Fences and Walls

A. Fences and walls in Residential Districts may be erected or allowed as limited or exempted Herein, and provided that any fence or wall over three (3) feet in height shall require a fence permit and if over six (6) feet in height, be designed to withstand anticipated wind loads, as defined within the current adopted City Building Code. For fences, retaining wall or other landscape features less than three feet in height the following shall apply:

1. When sidewalk is present, a fence, retaining wall or other landscaping features may be placed within one foot of the location of the sidewalk:

2. When no sidewalk is present, a fence, retaining wall or other landscaping feature may be placed in such a manner that it will be located no closer than one foot to future sidewalk location.

B. Limitations are as follows:

1. No private fence or wall shall be erected, allowed or maintained on public property without City approval. Such approval may be granted by the City Planner or designee under the following circumstances:

a. The applicant is the owner of the adjacent property for which the fence or wall approval is sought;

b. The public property involved is a City street;

c. When no sidewalk is present, the fence or wall will be placed in such a manner that it will be located no closer than one foot to future sidewalk location;

d. When sidewalk is present, the fence or wall may be placed to within one foot of the location of the sidewalk;

e. The portion of the public right-of-way between the fence or wall and the curb when curb is present, or between the fence or wall and the travel way when no curb is present, shall be maintained by the adjacent property owner;

f. All other provisions of the City Code apply;

g. The owner will sign a document prepared by the City Attorney agreeing to hold the City harmless from liability arising as a result of the placement of the fence or wall on public property.

2. On Interior lots:

a. In side and rear yards, and that portion of the front yard between the front plane of the house and the required front yard setback, fences and walls shall be allowed to a maximum height of six (6) feet.

b. In the required front yard setback, fences and walls shall be allowed to a maximum height of four (4) feet. A property owner may erect a six (6) foot fence in the required front yard setback along a common property line that is the back yard of an adjacent property, provided all other provisions of this ordinance are met.

C. On corner lots:

1. In side and rear yards, and that portion of the front yard between the front plane of the house and the required front yard setback, fences and walls shall be allowed to a maximum height of six (6) feet except that in street-facing side and rear yards which back onto front yards of adjoining lots, fences and walls shall be limited to a maximum height of six (6) feet.

2. In the required front yard setback, fences and walls shall be allowed to a maximum height of four (4) feet. A property owner may erect a six (6) foot fence in the required front yard setback along a common property line that is the back yard of an adjacent property, provided all other provisions of this ordinance are met.

D. The height limitations for fences and walls are further limited as follows:

1. In any district requiring a front yard, no obstruction to view above three (3) feet and below seven (7) feet in height shall be permitted on any corner lot within a triangular as per Section 29.05.200. Clear View Of Intersecting Streets.

2. Where a fence or wall is erected on or within five (5) feet of a property line, upon a retaining wall, or where for other reasons there is a difference in the elevation of the surface of the land on either side of a fence, height of the fence shall be measured from a point halfway between the top of the retaining wall and the land on the lower side or from the average elevation of the surface of the land on either side and within ten (10) feet of the fence, but nothing herein contained shall be construed to restrict the fence or wall to less than four(4) feet in height measured from the surface of the land on the side having the highest elevation.

3. The Appeal Authority may grant special exceptions to the height limits contained in this section for fences or walls surrounding tennis courts, swimming pools, schools, or other special type facilities, where it is shown that the normal use or level of protection requires a greater height for safety or other reasons, provided, however, that the rights of adjoining property owners are equally considered.