MODIFICATIONS TO FENCE HEIGHT REGULATIONS

21A.40.120.E: REGULATION OF FENCES, WALLS AND HEDGES:

E. Height Restrictions And Gates:

1. Front Yards: Except for the special foothills regulations as outlined in subsection 21A.24.010P of this title, no fence, wall or hedge shall be erected to a height in excess of four feet (4') between the front property line and front building line of the facade of the principal structure that contains the primary entrance. Fencing for outdoor storage shall be located behind any required front yard area.

2. Side and/or Rear Yards:

- a. Corner Side, Side, Rear Yards: Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front facade of the principal structure), required side yard or required rear yard to a height not to exceed six feet (6'). The zoning administrator may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys.

b. Double frontage lots: Where both the front and rear yards have frontage on a public street, a fence, wall, or hedge within a required front yard functioning as a rear yard may be a maximum of six feet (6') in height, provided it is not located in the yard adjacent to the front line of the building and is consistent with rear yard locations on the block face. If the fence provides access to a driveway or parking area, the fence must comply with sight triangle requirements of this Title.

3. Allowances for Additional Height for Fences or Walls:

a. Public Facilities. Fences or walls for which a greater height is necessary because of an association with uses that require high fences to protect public safety or fences that are required by federal or state law, such as, but not limited to, utility buildings or structures for municipal service uses, public schools, or similar facilities may be allowed up to a maximum height of 12 feet (12') provided the fence or wall is no less than 80% transparent above a height of six feet (6').

b. Recreation Facilities. For fences or walls constructed around parks, open space, or other outdoor recreation areas, the maximum height fence shall be up to 10 feet (10') in height and may be located in any required yard, provided that the fence or wall is no less than 80% transparent above a height of six feet (6'). Fences or walls for which a greater height is necessary to protect public safety, such as, driving ranges, baseball fields, athletic fields; or similar facilities may be allowed within the subject property to a height necessary to contain the recreation equipment.

c. Private Game Courts, Swimming Pools, and Other Similar Recreation Equipment. For fences or walls constructed around private game courts, swimming pools, or other similar recreation equipment, the maximum height shall be up to 10 feet (10') provided that the fence or wall is no less than 80% transparent above a height of six feet

- (6'). Game courts are not allowed in the front or corner side yard setbacks and must be 10' front from the property line.
- b. Construction Fencing: Temporary fencing to secure construction sites during the planning, demolition, or construction process is permitted to a maximum of 10 feet (10') in height in any required yard provided the fence complies with site distance triangle requirements of this Title.
- e. Exceptions: Pillars shall be allowed to extend up to eighteen inches (18") above the allowable height of a fence or wall; provided, that the pillars shall have a maximum diameter or width of no more than eighteen inches (18"); and provided, that the pillars shall have a minimum spacing of no less than six feet (6'), measured face to face.

4. Vision Clearance and Safety:

- a. Corner Lots; Sight Distance Triangle: No solid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is located within the sight distance triangle extending thirty feet (30') either side of the intersection of the respective street curb lines, or edge lines of roadway where curbing is not provided as noted in section 21A.62.050, illustration I of this title.
- b. Intersection Of Driveway; Sight Distance Triangle: Solid fences, walls and hedges shall not exceed thirty inches (30") in height within the sight distance triangle as defined in section 21A.62.050, illustration I of this title.
- c. Sight Distance Triangle And See Through Fences: Within the area defined as a sight distance triangle, see through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').
- d. Alternative Design Solutions: To provide adequate line of sight for driveways and alleys, the zoning administrator, in consulting with the development review team, may require alternative design solutions, including, but not restricted to, requiring increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade change or other preexisting conditions.
- 5. Height Measurement: Measuring the height of a fence, wall, or hedge shall be from the "finished grade" of the site as defined in section 21A.62.040 of this title. In instances of a grade change at the property line, the height for fences that are located on top of a retaining wall shall be measured from the top of the retaining wall.
- 6. Gates: No gate, whether crossing a driveway, walkway, or part of a fence, shall be erected to a height in excess of the standards outlined in this subsection E. To regulate the location of gates and their impact on vehicular staging within the public right of way, passenger vehicles shall require a minimum seventeen foot six inch (17'6") setback from back edge of sidewalk, or property line when a sidewalk is not provided, and large truck driveways shall require a one hundred foot (100') setback from back edge of sidewalk, or property line when a sidewalk is not provided. All gates are to swing inward to the property or be a roll gate that does not impact the staging area.

F. General Requirements:

- 1. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences or walls shall periodically be treated with paint or chemicals so as to retard deterioration.
 - 2. Fences or walls shall be constructed with good workmanship and shall be secured to the ground or supporting area in a substantial manner and engineered so that the structure of columns or posts and the material used for the intervening panels are adequately constructed to support the materials and withstand wind loads.
 - 3. All fences or walls (including entrance and exit gates) shall be maintained in good repair, free of graffiti, structurally sound, so as to not pose a threat to public health, safety, and welfare.

21A.52.030: SPECIAL EXCEPTIONS AUTHORIZED:

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(removed Special Exception authorization for over-height fences, walls, or hedges)