



41 fields, athletic fields; or similar facilities may be allowed within the subject property to a  
42 height necessary to contain the recreation equipment.

43 c. Private Game Courts, Swimming Pools, and Other Similar Recreation  
44 Equipment. For fences or walls constructed around private game courts, swimming pools,  
45 or other similar recreation equipment, the maximum height shall be up to 10 feet (10')  
46 provided that the fence or wall is no less than 80% transparent above a height of six feet  
47 (6'). Game courts are not allowed in the front or corner side yard setbacks and must be  
48 10' front from the property line.

49 b. Construction Fencing: Temporary fencing to secure construction sites during  
50 the planning, demolition, or construction process is permitted to a maximum of 10 feet  
51 (10') in height in any required yard provided the fence complies with site distance  
52 triangle requirements of this Title.

53 e. Exceptions: Pillars shall be allowed to extend up to eighteen inches (18")  
54 above the allowable height of a fence or wall; provided, that the pillars shall have a  
55 maximum diameter or width of no more than eighteen inches (18"); and provided, that  
56 the pillars shall have a minimum spacing of no less than six feet (6'), measured face to  
57 face.

58 4. Vision Clearance and Safety:

59 a. Corner Lots; Sight Distance Triangle: No solid fence, wall or hedge shall be  
60 erected to a height in excess of three feet (3') if the fence, wall or hedge is located within  
61 the sight distance triangle extending thirty feet (30') either side of the intersection of the  
62 respective street curb lines, or edge lines of roadway where curbing is not provided as  
63 noted in section 21A.62.050, illustration I of this title.

64 ~~—3.— Corner Side, Side, Rear Yards; Sight Distance Triangle: Fences, walls or~~  
65 ~~hedges may be erected in any required corner side yard (extending to a point in line with~~  
66 ~~the front facade of the principal structure for residential zoning districts and up to any~~  
67 ~~required front yard setback line for all other zoning districts), required side yard or~~  
68 ~~required rear yard to a height not to exceed six feet (6'). b. The zoning administrator may~~  
69 ~~require either increased fence setback or lower fence height along corner side yards to~~  
70 ~~provide adequate line of sight for driveways and alleys.~~

71 ~~—4.— Intersection Of Driveway; Sight Distance Triangle: Solid fences, walls and~~  
72 ~~hedges shall not exceed thirty inches (30") in height within the sight distance triangle as~~  
73 ~~defined in section 21A.62.050, illustration I of this title.~~

74 ~~—5.— c. Sight Distance Triangle And See Through Fences: Within the area~~  
75 ~~defined as a sight distance triangle, see through fences that are at least fifty percent (50%)~~  
76 ~~open shall be allowed to a height of four feet (4').~~

77 ~~—6.— d. Alternative Design Solutions: To provide adequate line of sight for~~  
78 ~~driveways and alleys, the zoning administrator, in consulting with the development~~  
79 ~~review team, may require alternative design solutions, including, but not restricted to,~~  
80 ~~requiring increased fence setback and/or lower fence height, to mitigate safety concerns~~  
81 ~~created by the location of buildings, grade change or other preexisting conditions.~~

82 ~~7. Measuring~~**5. Height Measurement:** Measuring the height of a fence, wall, or hedge shall  
83 be from the "finished grade" of the site as defined in section ~~21A.62.040 of this~~  
84 ~~title.21A.62.040 of this title. In instances of a grade change at the property line, the height for~~  
85 ~~fences that are located on top of a retaining wall shall be measured from the top of the retaining~~  
86 ~~wall.~~

87 ~~—8. Special Exception Approval Standards: The planning commission or historic landmark~~  
88 ~~commission may approve taller fencing if it is found that the extra height is necessary for the~~  
89 ~~security of the property in question as defined in chapter 21A.52 of this title.~~

90 ~~—9.~~ **6.** Gates: No gate, whether crossing a driveway, walkway, or part of a fence, shall be  
91 erected to a height in excess of the standards outlined in this subsection E. To regulate the  
92 location of gates and their impact on vehicular staging within the public right of way, passenger  
93 vehicles shall require a minimum seventeen foot six inch (17'6") setback from back edge of  
94 sidewalk, or property line when a sidewalk is not provided, and large truck driveways shall  
95 require a one hundred foot (100') setback from back edge of sidewalk, or property line when a  
96 sidewalk is not provided. All gates are to swing inward to the property or be a roll gate that does  
97 not impact the staging area.

#### 98 **F. General Requirements:**

99 1. Except when constructed of materials that have been designed or manufactured to remain  
100 untreated, all fences or walls shall periodically be treated with paint or chemicals so as to retard  
101 deterioration.

102 2. Fences or walls shall be constructed with good workmanship and shall be secured to the  
103 ground or supporting area in a substantial manner and engineered so that the structure of  
104 columns or posts and the material used for the intervening panels are adequately constructed to  
105 support the materials and withstand wind loads.

106 3. All fences or walls (including entrance and exit gates) shall be maintained in good repair,  
107 free of graffiti, structurally sound, so as to not pose a threat to public health, safety, and welfare.

108 ~~—G. Exceptions: Pillars shall be allowed to extend up to eighteen inches (18")~~  
109 ~~above the allowable height of a fence or wall; provided, that the pillars shall have a~~  
110 ~~maximum diameter or width of no more than eighteen inches (18"); and provided, that~~  
111 ~~the pillars shall have a minimum spacing of no less than six feet (6'), measured face to~~  
112 ~~face.~~

113 ~~—H. Encroachments: Encroachments into the "sight distance triangle" for driveways as defined~~  
114 ~~and illustrated in chapter 21A.62 of this title, may be approved by the zoning administrator. This~~  
115 ~~regulation shall also apply to sight distance triangles for alleys.~~

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#### 117 **21A.52.030: SPECIAL EXCEPTIONS AUTHORIZED:**

118 ~~3. Additional height for fences, walls or similar structures may be granted to exceed the height~~  
119 ~~limits established for fences and walls in chapter 21A.40 of this title if it is determined that there~~  
120 ~~will be no negative impacts upon the established character of the affected neighborhood and~~  
121 ~~streetscape, maintenance of public and private views, and matters of public safety. Approval of~~

122 fences, walls and other similar structures may be granted under the following circumstances  
123 subject to compliance with other applicable requirements:

124 a. Exceeding the allowable height limits; provided, that the fence, wall or structure is  
125 constructed of wrought iron, tubular steel or other similar material, and that the open,  
126 spatial and nonstructural area of the fence, wall or other similar structure constitutes at  
127 least eighty percent (80%) of its total area;

128 b. Exceeding the allowable height limits on any corner lot; unless the city's traffic  
129 engineer determines that permitting the additional height would cause an unsafe traffic  
130 condition;

131 c. Incorporation of ornamental features or architectural embellishments which extend  
132 above the allowable height limits;

133 d. Exceeding the allowable height limits, when erected around schools and approved  
134 recreational uses which require special height considerations;

135 e. Exceeding the allowable height limits, in cases where it is determined that a negative  
136 impact occurs because of levels of noise, pollution, light or other encroachments on the  
137 rights to privacy, safety, security and aesthetics;

138 f. Keeping within the character of the neighborhood and urban design of the city;

139 g. Avoiding a walled in effect in the front yard of any property in a residential district  
140 where the clear character of the neighborhood in front yard areas is one of open spaces  
141 from property to property; or

142 h. Posing a safety hazard when there is a driveway on the petitioner's property or  
143 neighbor's property adjacent to the proposed fence, wall or similar structure. (removed  
144 Special Exception authorization for over-height fences, walls, or hedges)