

Notice of Ordinance Adoption

The Lynd City Council, by unanimous vote, has adopted the following ordinance amending the Lynd City Code, Chapter 16 – Zoning. This ordinance establishes new regulations regarding fences within the City of Lynd. The full text of the ordinance is published below as required.

AN ORDINANCE AMENDING THE LYND CITY CODE BY AMENDING CHAPTER 16 TO INCLUDE A NEW SECTION 16.1000 ET SEQ REGARDING THE REGULATION OF FENCES.

The City Council of the City of Lynd Ordains that Chapter 16 of the Lynd City Code is hereby amended, as follows:

16.1000 FENCES

16.1001. Fence Defined. A fence is defined as any tangible barrier or obstruction of any material, living or inert, with the purpose or intent or having the effect of preventing passage or view across the line of the fence.

16.1002. Fence Permit Regulations.

16.1002.1. Building Permit Required. A Building Permit shall be obtained prior to the construction of any fence. Permits are not required for agricultural fencing purposes which do not adjoin residential developments or areas.

16.1002.2 Height Regulations for Lots facing a Single Street:

16.1002.2.1. Front Yard: No fence shall be higher than four (4) feet, at any point, within the front setback of any lot within a residential area.

16.1002.2.2. **Back Yard:** Fences along the rear property line shall be no higher than a maximum of eight (8) feet.

16.1002.2.3 **Side Yard:** Fences along the side property line shall be no higher than a maximum of eight (8) feet and dropped to four (4) feet in height at the front setback line.

16.1002.3. **Height Regulations for Corner Lots: (more than one street frontage)**

16.1002.3.1. **Front Yard:** No fence shall be higher than four (4) feet, at any point, within the front setback of any lot within a residential area.

16.1002.3.2. **Street Side Yard:** No fence shall be higher than four (4) feet within ten (10) feet of the property line. At ten (10) feet back from the property line, a fence shall be no higher than eight (8) feet.

16.1002.3.3. **Back Yard:** Fences along the rear property line shall be no higher than a maximum of eight (8) feet. At ten (10) feet from the property line, on the street side, the height shall be dropped to a maximum of four (4) feet.

16.1002.3.4 **Side Yard:** Fences along the side property line (not the street side) shall be no higher than eight (8) feet. At the front setback line, the height shall be dropped to four (4) feet.

16.1002.4. **Irregular lots & Non-Residential Fencing:** A City Council or Planning Commission hearing will be required prior to issuance of a building permit for the approval of fence heights under the following conditions:

The lot is of an irregular shape or other than square or rectangular.

The grade of the lot is extreme or of multiple levels.

The building does not face parallel to the street.

The location of the fence is within an area zoned for business, industrial or commercial development.

The Fence surrounds a tennis court, swimming pool, or other circumstances shown to require greater height for safety, security or other reasons. The rights of adjoining property owners will be equally considered.

16.1003. Fence Construction Regulations. Fences installed with exposure to the street must have the finished side of the fence facing the street All gates that adjoin city property are required to swing inward (toward the property owner's yard).The owner of any fence shall be required to maintain the same by painting, treating, trimming, repairing or removal, if and when necessary. Agricultural type fencing materials (barbed or mesh wire, etc.) shall not be allowed for residential fences. Fences are not allowed within 12" of a sidewalk.

16.1003.1 No fence shall be charged with electric current, except within an agricultural district.

16.1003.2 Fences must be maintained so as not to endanger life or property and any fence which, through lack of repair, type of construction or otherwise, that imperils health, life or property or the well-being of a neighborhood shall be deemed a nuisance.

16.1004. Fence Line Location. Fences shall be constructed 24 inches inside the property line or on the property line between cooperating neighbors. If fences are constructed on the property line(s), the written consent of all affected property owners is required. No fence by its construction or location shall obstruct the view of the right of street. No fence, wall or other obstruction to vision from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way

lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection.

16.1005. **Public Utilities.** Utilities (gas, water, or electricity) providers should be contacted prior to any fence installation regarding meter access requirements and location of lines.

16.1006. **Variance** Any deviation from the provisions of this subchapter shall require a variance. If a variance is requested, the variance shall be considered in accordance with the zoning variance procedures and fees for this variance will be in accordance with the zoning variance fee. Specifically, but without limitation, the City Council may grant a variance allowing a fence to be build on a property line if adjacent property owners consent in writing to building a shared fence on their common property line and that written agreement is presented to the City Council with a permit and variance application

16.1007. **Penalty.** Unless otherwise specified, any person violating any provision of this ordinance shall be guilty of a misdemeanor. Any person found guilty of a violation of this Chapter shall be punished by a fine not to exceed \$1,000.00 or imprisonment for not to exceed 90 days, or both.

