

169.14 FENCE AND HEDGE REGULATIONS.

1. Fence not a Structure. For the purpose of this Zoning Ordinance, fences shall not be classified as structures, but shall be deemed as separate and distinct uses of the land so as to allow their placement on portions of lots upon which structures or accessory buildings may not be placed.

2. Permit Required. Prior to the commencement of the construction of any fence, an application for building permit must first be filed with the City Clerk and approved by the City's Building Inspector. A fee of \$30.00 must accompany the application for permit before the permit will be processed.

3. Corner Visibility. There shall be provided an unobstructed view across a triangle formed by joining points measured 20 feet along the property line from the intersection of two (2) streets, or 15 feet along both the street and the alley line from the intersection of a street and an alley. Within said triangle, there shall be no sight obstructing or partly obstructing wall, fence or foliage higher than 30 inches above grade or in the case of trees, foliage lower than five feet.

Ord #534  
5.26.2009

4. Other than Corner. On portions of a lot not covered by street or alley intersection restrictions, the height of fences of any length and foliage continuous for 20 feet or more shall be limited to 48 inches on any street line and the front 50 feet of any side lot line. On all other portions of lot lines, fences, hedges and continuous foliage barriers may not exceed a height of 80 inches.

5. Measurement Rule. Heights of fences, hedges and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley or the measurement shall be from the average grade thereof, whichever is the higher. On inside lot lines, the measurement shall be from the average grade of the lot line of the parcel or property having the lower elevation.

6. Exception, Board of Adjustment. The Board of Adjustment may approve (or may direct as a condition for granting an appeal) fences or plantings of a height in excess of these regulations placed as screening between different uses, or between like uses upon agreement between parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.

7. Location of Fences. Fences or foliage may be placed within the required setback in any zoning district specified from the property line for that district. This shall not exempt a fence or foliage from the corner visibility requirements as specified in subsection 3 above, or the height restrictions of subsection 5 above. A fence or hedge may be built closer to the property line than the distance specified in subsection 8 below if a written agreement is signed by the owners of the properties adjacent to the proposed fence or hedge and said agreement is presented to and approved by the Zoning Officer. Such agreement must state provisions for the maintenance and erection of any fence or hedge located within the distance specified in subsection 8 below. No fence or hedge shall be placed in any area within which an easement has been granted and recorded for the purpose of providing vehicle ingress or egress.

8. Required Distance from Property Lines.

A. Residential Districts:

- Front Yard (with sidewalk)..... 2 feet
- Front Yard (no sidewalk)..... 20 feet
- Side Yard (interior)..... 2 feet
- Street Side Yard (with sidewalk).... 2 feet
- Street Side Yard (no sidewalk) ..... 20 feet
- Rear Yard..... 2 feet

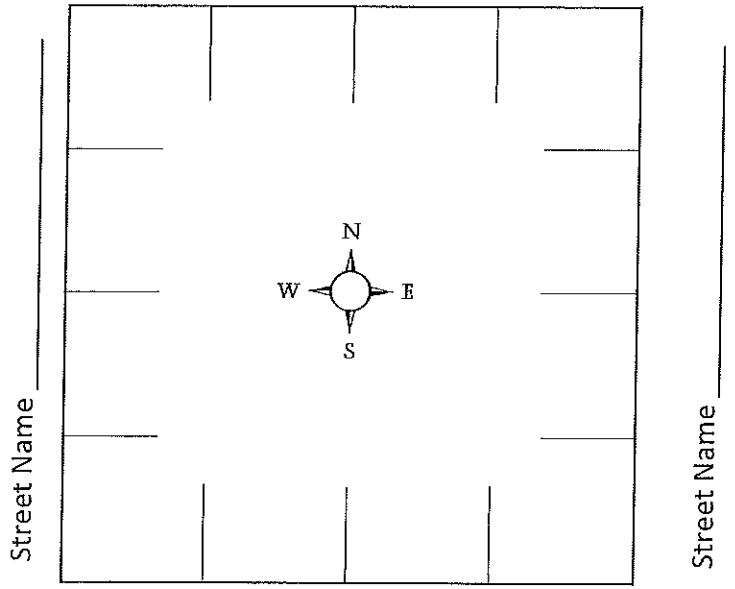
B. Business Districts:

All Yards ..... No requirement

C. Industrial Districts:

All Yards ..... No requirement

Street Name \_\_\_\_\_



Place an "X" on your lot in this box ⇨

Street Name \_\_\_\_\_

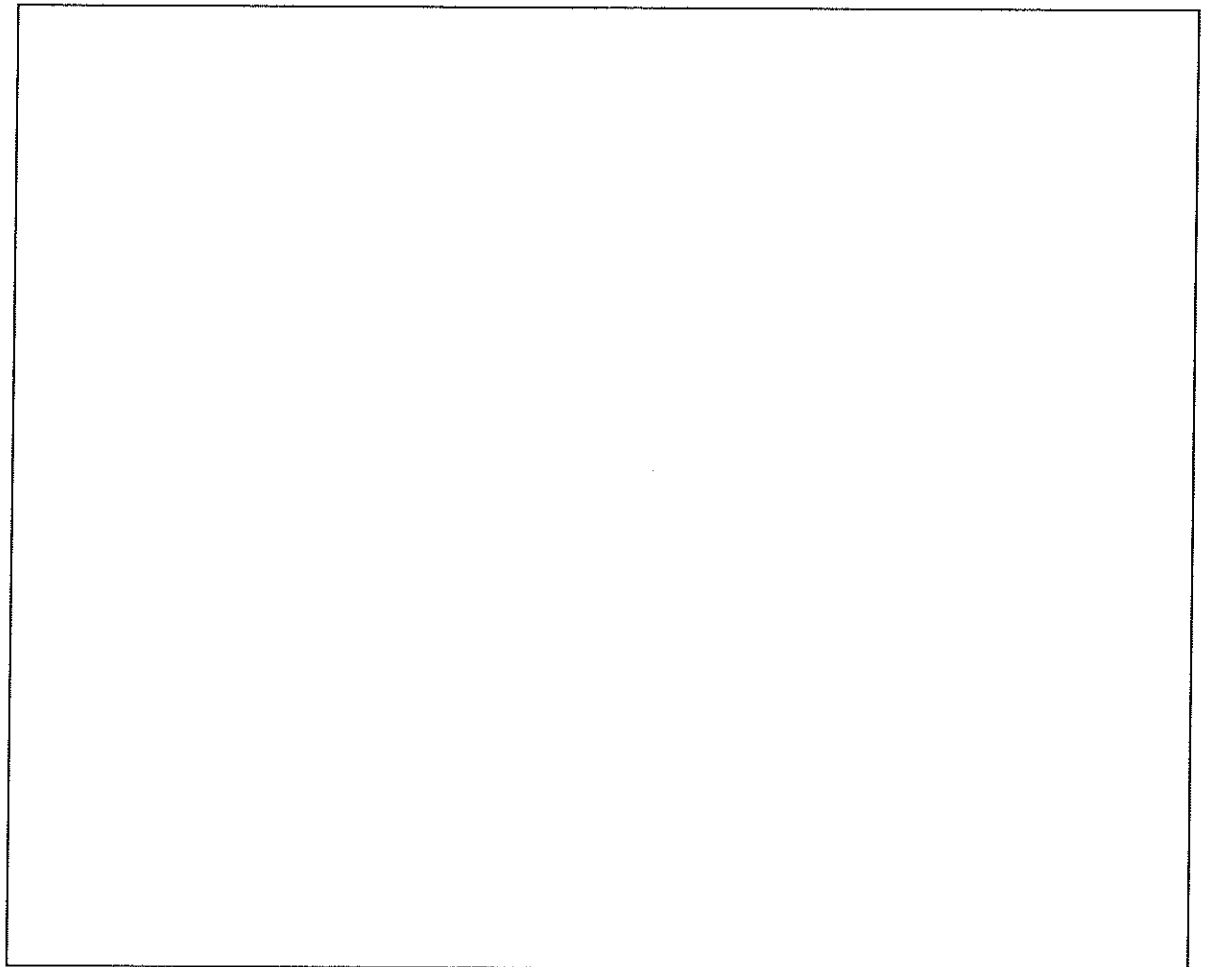
Lot Width \_\_\_\_\_ Ft.

Sketch *existing* structures with solid line.

Sketch *proposed* structures or fence with a dotted line.

Place distances from lot lines to structures.

Lot Depth \_\_\_\_\_ Ft.



Street Name \_\_\_\_\_  
(front of house)

*For City Hall Use Only*

*Date Filed:* \_\_\_\_\_

*Received By:* \_\_\_\_\_

*Fee Paid: \$* \_\_\_\_\_

**City of Emmetsburg, Iowa**  
***Application for Fence & Hedge Permit***

***(Application Fee is \$30.00)***

***PLEASE ALLOW UP TO TEN (10) DAYS FOR THIS APPLICATION TO BE PROCESSED!***

***ALL LINES ON THIS APPLICATION NEED TO BE COMPLETED OR THIS FORM WILL NOT BE ACCEPTED.***

1. Name of Property Owner(s): \_\_\_\_\_  
\_\_\_\_\_
2. Contractor performing proposed improvements: \_\_\_\_\_
3. Telephone numbers at which applicant may be reached should the building inspector have questions concerning this application:  
Daytime Phone: \_\_\_\_\_  
Nighttime Phone: \_\_\_\_\_
4. Location of Proposed Improvement:
  - a) Street Address: \_\_\_\_\_
  - b. Legal Description: Lot(s) \_\_\_\_\_ of Block \_\_\_\_\_, of the \_\_\_\_\_ Addition to Emmetsburg.  
*(If the description of the subject property is too lengthy for the space provided, please attach the description on a separate sheet.)*
- 5) Dimension of Lot(s):
  - a) \_\_\_\_\_ ft. N. to S. by \_\_\_\_\_ ft. E. to W.
  - b. Size (Area) of Lot(s): \_\_\_\_\_ sq. ft.
6. Size of Proposed Fence: Length \_\_\_\_\_ Height \_\_\_\_\_  
**(Proposed improvements need to be staked out before inspection will be performed)**

(Please complete the attached sketch sheet)

- 7) Distance Proposed Improvement will be from:
  - a. Front Property Line: \_\_\_\_\_ ft.
  - b. Rear Property Line: \_\_\_\_\_ ft.
  - c. Side (Right) Property Line: \_\_\_\_\_ ft.
  - d. Side (Left) Property Line: \_\_\_\_\_ ft.

8) Law requires that **IOWA ONE CALL** be notified. Before the Building Inspector can approve the building permit, all utilities must have their services located and marked. Iowa One Call requires **at least 48 hours** advanced notice.

**Date** \_\_\_\_\_ **Called: 1-800-292-8989**

9) Fence permits expire **4 months** following the date the application is submitted to City Hall. All improvements must be completed prior to this expiration date or a new permit must be issued.

10) By affixing his/her signature below, applicant certifies that all of the information provided in this application is accurate to the best of his/her knowledge, and agrees to the terms of the following Hold Harmless Agreement:

***I hereby state that the City of Emmetsburg will be held harmless from any and all damages claimed by reason of negligence, incompetence or omission on the part of such person in the performance of their work, the same to include, but not limited to, careless guarding of excavations made by them or failure to restore all public properties to as good or better a condition as they were prior to the work being done, or for any damages growing out of the negligence or carelessness of any person involved in the excavation or the guarding or restoring of the same.***

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date of Submission

### BUILDING INSPECTOR SIGN OFF SHEET

- Building Permit Granted by \_\_\_\_\_ . Date: \_\_\_\_\_  
Building Inspector
- First Inspection Completed and Approval to Proceed Granted by \_\_\_\_\_ . Date: \_\_\_\_\_  
Building Inspector
- Second Inspection Completed and Approval to Proceed Granted by \_\_\_\_\_ . Date: \_\_\_\_\_  
Building Inspector
- Application Denied: \_\_\_\_\_ . Date: \_\_\_\_\_  
Building Inspector

Basis for Denial: \_\_\_\_\_