

16-5-05 Fences

- A. **Permit Required.** No person, firm or corporation, ~~except on a farm and related to farming,~~ shall construct, or cause to be constructed or erected within the Town any **fence in excess of six (6) feet in height, or as required by the current building code adopted by the Town,** without first obtaining a building permit.
- B. **Locations.** All fences shall be located entirely upon the private property of the persons, firms or corporation constructing, or causing the construction, of such fence unless the owner of the adjacent property agrees, in writing, that such fence may be erected on the ~~division~~ **property** line of the respective properties. Such consent ~~form~~ shall ~~be in a form~~ **include: signatures of the property owners; a description of the consent of the placement of the fence; a mutual maintenance agreement between the property owners;** be recorded in the Maricopa County Recorder's Office; and shall bind future owners of the adjacent property. **Once recorded the form shall be submitted to the Town of Gila Bend for records purposes.**
- C. **Construction, Maintenance and Height Measurement.**
1. *Construction and Maintenance.* Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and/or remaining in a condition of disrepair, damage, ~~or~~ unsightliness, or constitute a ~~nuisance,~~ public or private **nuisance.** Any such fence which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance, and the Zoning ~~Enforcement Officer~~ **Administrator or their designee** shall commence proper proceedings for the abatement thereof.
 2. *Material.* The material of fences in a front yard shall be limited to split rail, chain link, concrete block or brick, wooden slats, steel poles with chains, or similar materials approved by the ~~building official~~ **Zoning Administrator or their designee.** In approving a material for a fence, the ~~building official~~ **Zoning Administrator or their designee** shall consider visibility requirements and consistency and compatibility of materials for the specific location of the fence. No approval shall be given for fences made of fence posts, plywood, particle board, barbed wire, chicken wire or pallets **or other material as determined by the Zoning Administrator or their designee.**
 3. *Measuring Fence Height.* The height of any fence shall be ~~calculated to the uppermost points as follows:~~ **measured from the inside of the enclosure.**
 - a. ~~In required yards abutting a street the height of the fence shall be the total effective height measured from the finished grade on the side nearest the street.~~
 - b. ~~In other required yards, the height of the fence shall be the total effective height above the finished grade measured on the side nearest the abutting property.~~
 - c. ~~On property lines the height may be measured from the finished grade of either side when the abutting property owners are in joint agreement, with such agreement submitted in writing.~~

4. *Residential and Rural District Fences.* Fences in all residential and Rural Districts ~~In all parts of the Town zoned residential, no fence shall be erected or maintained more than~~ shall not exceed eight (8) feet in height. Any fence over six (6) feet in height shall require a building permit per section 16-5-05 A. In addition:
 - a. No fence, wall, or hedge shall be allowed in any required residential front yard ~~which has any supporting member measuring more than 42 inches~~ four (4) feet in height. ~~or any horizontal member or series of vertical members spaced closer than four (4) feet from one another more than 30 inches in height or is less than 65 percent transparent except that walls or fences 12 inches or less in height with a transparency of less than 65 percent shall be permitted. Hedges shall be exempt from the transparency criteria.~~
 - b. Fences, walls, or hedges exceeding the requirements of Section 16-5-6 F(4)(a) ~~which are erected in any sideyard and which run parallel or approximately parallel to the front line of a building or manufactured home shall be set back from the front line of the building or manufactured home a minimum of five (5) feet.~~
 - c. ~~On corner lots in all districts, no fence or planting in excess of 30 inches above the street center line grade shall be permitted within a triangular area defined as follows: beginning at the intersection of the projected curbing lines of two intersecting streets, thence 40 feet along one curb line, thence diagonally to a point 40 feet from the point of beginning on the other curb line, then to the point of beginning.~~
 - d. Where a fence is erected as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress shall be installed, shall remain unobstructed and shall be a minimum of three (3) feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line between the side lot property line and the principal structure **accessible from the front yard.**
 - e. ~~In corner side yards, fences up to six (6) feet in height may be permitted provided that no fence may be built in a corner side yard that is adjacent to a neighboring front yard unless it meets the front yard fencing requirements of Section 16-5-6 F(4)(a) and (b).~~
5. *Business and Industrial District Fences.* Fences in all Commercial and Industrial Districts shall not exceed 10 feet in height except that ~~Boundary-Line~~ **Fences** abutting Residential Districts shall not be greater than ~~six (6)~~ **eight (8)** feet in height.
6. *Special-Purpose Fences.* Fences for special purposes and fences differing in construction, height or length may be permitted in any district by issuance of ~~Conditional Use Permit~~ **Variance** approved by the ~~Planning and Zoning Commission~~ **Board of Adjustment**. ~~Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which the fence is intended.~~
7. In all Districts, any fence so constructed as to have only one elevation “finished,” which shall be defined as not having its support members significantly visible, shall be erected such that the finish elevation of the fence is exposed to the adjacent property.

8. On corner lots in all districts ~~there are limitations on the height of no fences, gateways, ornamental structures, or planting and other fixture construction in excess of 30 inches~~ ~~two (2) feet above the established elevation of the nearest street center-line grade shall be permitted within a triangular area~~ **the Site Visibility Triangle (SVT)** defined as follows: ~~beginning at the intersection of the projected curbing lines of two intersecting streets, thence 40 feet along one curb line, thence diagonally to a point 40 feet from the point of beginning on the other curb line, then to the point of beginning~~
- a. *Local to Local Intersections:* Measured a distance of 25 feet along both the front and side lot lines from the point of intersection of the said intersecting lot lines.
 - b. *Local to Minor/Major Collector Intersections:* Measured a distance of 33 feet along both the front and side lot lines from the point of intersection of the said intersecting lot lines.
 - c. *Minor/Major Collector to Minor/Major Collector Intersections:* Measured a distance of 33 feet along both the front and side lot lines from the point of intersection of the said intersecting lot lines.
 - d. *Minor/Major Collector to Minor/Principal Arterial:* Measured a distance of 33 feet along both the front and side lot lines from the point of intersection of the said intersecting lot lines.
 - e. *Minor/Principal Arterial to Minor/Principal Arterial:* Measured a distance of 33 feet along both the front and side lot lines from the point of intersection of the said intersecting lot lines.