

NOTUS FENCE PERMIT APPLICATION

AN APPLICATION FEE WILL APPLY AND MUST BE PAID UPON FILING THE APPLICATION.

A plot plan drawing must accompany this application with measurements showing property lines, buildings/structures on property, access roads, parking area, all roads/streets or driveways adjacent to property and proposed placement of fence. Application must also show details (height, width, length) where and how it will be placed. Type of poles/pole footing. Type of fencing used. Depending on application details, Engineering report may be applicable. Check with your H.O.A. since declaration of Conditions, Covenants and Restrictions may apply.

APPLICANT INFORMATION

Property Owner Name:		DATE:
Street Address:		
Legal Description:		
Mailing Address:		
City:	State:	ZIP Code:
Home Phone:	Email:	Cell:

**DESCRIBE SPECIFIC CIRCUMSTANCE WHICH YOU FEEL SUPPORTS YOUR APPLICATION;
WHAT TYPE OF MATERIAL IS BEING USED, WHY YOU WANT A FENCE (DOG, PROPERTY BEAUTIFICATION) ETC.**

ATTACH ADDITIONAL PAGES WITH INFORMATION, STATEMENTS, AND DOCUMENTATION TO SUPPORT YOUR APPLICATION AS NECESSARY and note here:

- o IF a permit is granted, Owner assumes all costs, responsibility and liability related to their application.
- o IF granted, Owner must comply with all local, state, and federal laws, ordinances, rules and regulations which are applicable.
- o Anyone who knowingly provides false or misleading information the City in an effort to obtain a permit shall be guilty of a misdemeanor which is punishable in accordance with Idaho Code Section 18-113.

I have read and agree to the above. I have read, understand and agree to comply with Notus City Code Section 8-3 in its entirety. I authorize the City or their designee to communicate with the individuals and entities noted in this application and verify and discuss the information provided on this application form and documentation attached thereto. I have received a copy of this application. By signing this application I affirm and certify that the information and responses provided in and with this application are true and correct.

Signature of Applicant:	Date:
Signature of Property Owner:	Date:

OFFICE USE ONLY BELOW THIS LINE

APPLICATION FEE OF \$ _____ (FEE SET BY RESOLUTION) CHECK/CASH (CIRCLE ONE)
ON _____ 20____ BY _____

APPLICATION ACCEPTED BY:

OFFICE USE ONLY CIRCLE ONE APPROVED OR DENIED DATE _____

AYES:	NYES:
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NOTES:

CHAPTER 3

FENCES

SECTION:

- 8-3-1: Construction Regulations
- 8-3-2: Barbed Or Electrified Wire Fences
- 8-3-3: Waivers

8-3-1: CONSTRUCTION REGULATIONS:

- A. Residential Zones: For dwelling units in residential zones, solid or closed nonvision fences to a height of thirty six inches (36"), or open vision type fences to a height of forty eight inches (48"), may be built from the front yard setback to and including the front property line. Fences to a height of seventy two inches (72") may be built from the front yard setback to and including the rear property line.
- B. Nonresidential Zones: For nonresidential zones, fences, walls, berms, shrubbery and hedges are permitted in any required yard or along the edge of any yard to a height of seventy two inches (72").
- C. Obstructing Traffic Visibility, Sight Lines: No fence, wall, berm, shrubbery, or hedge shall unreasonably obstruct or interfere with traffic visibility. No fence, wall, berm, shrubbery, or hedge which obstructs sight lines at elevations between three feet (3') and ten feet (10') shall be placed or permitted to remain on any lot within twenty five feet (25') of the intersection of a lot line and a street right of way line. The same sight line limitations shall apply to corner lots within the side yard area adjacent to the street which intersects the street upon which the building fronts. No tree shall be permitted to remain within said sight line restricted areas unless the foliage line is kept clear between the elevations described in this subsection. In any required front yard, no fence, wall, berm, shrubbery, or hedge shall be permitted which materially impedes vision across such yard between the height of three feet (3') and ten feet (10').

- D. City Review And Approval: No fence or wall shall be constructed or installed in any zone without the review and approval of such by the city clerk. An administrative application shall be submitted to determine compliance with the approval criteria.
- E. Walls, Lattice Work, Screens: For the purpose of this section, walls, lattice work and screens shall be considered to be fences and shall be built and maintained in compliance with the provisions hereof.
- F. Unsightly Materials Prohibited: The use of boxes, sheet metal, old or decayed wood, broken masonry blocks or other like unsightly materials for fencing is hereby prohibited.
- G. Building Department Approval: Concrete and masonry walls of any height, and fences over seventy two inches (72") tall must also be approved by the building department.
- H. Yards Defined: For the purpose of this section, "yards" are defined as follows:

FRONT YARD: The area running the full width of the property perpendicular to the front of the residence and extending back to a point even with the front of the residence. For curved lots, "front yard" shall include all of the portion of the lot nearest the street.

REAR YARD: The area running the full width of the property perpendicular to the rear of the residence and extending to the side lot lines.

SIDE YARD: The area extending from the front yard to the rear yard of the residence a distance the length of the property back to the rear property line. (2007 Code)

8-3-2: BARBED OR ELECTRIFIED WIRE FENCES:

- A. Prohibited; Exception; Permit: The use of barbed or electrified wire within the limits of the city for fencing or gates along any street, alley, highway, road or on any private property is prohibited except in those instances wherein the individual desiring to use barbed or electrified wire for these purposes makes an application to the city clerk, which application shall set forth good cause for the use of the

fence or gate and shall include a showing that the use of barbed or electrified wire in the particular instance requested will not constitute a hazard to public safety and the applicant.

B. Application For Permit; Notify Adjoining Neighbors:

1. Before the city council will consider a request to allow barbed or electrified wire, the applicant must provide all adjoining neighbors notice in writing of the application and request for use of barbed or electrified wire. The written notice must be mailed or delivered at least ten (10) days before the city council meeting at which the application is to be heard. The written notice must clearly describe the fence that is being requested, including the location of the fence, the proposed building materials to be used and the reasons why the request is being made. The written notice must also inform the neighbors of the date that the city council will consider the request and that they are invited to provide comment in writing or in person to the city council at the meeting. Once the notice has been given, and not later than the day before the scheduled city council meeting, the applicant shall provide to the city clerk a copy of the written notice that was provided to the neighbors and the applicant shall complete an affidavit for the city clerk confirming that the notice was provided as required to all neighbors identified as part of this application.

2. If any neighbor does not receive notice and brings a complaint against the fence, the city council may refuse to grant or, if previously granted, revoke the permit.

C. Permit Issuance: Whenever the applicant provides proof to the city clerk that the barbed or electrified wire is required by state or federal regulations, the city clerk shall issue a permit for the fence or gate without further hearing or consent of the city council. (2007 Code)

8-3-3: **WAIVERS:**

A. Authority To Grant: The city council may grant waivers to allow fences that exceed the height limitations set forth herein only when the city council finds that the proposed waiver is compatible with the neighborhood, that there are special characteristics of the site which make the application of the fencing requirements different for this property than other property within the city, and that it would be in the best interest of the city to approve the request for a waiver.

- B. Application For Waiver: An application as prescribed by the city clerk must be completed and filed with the city clerk before a request for a waiver will be considered by the city council. The completed form and documents must be submitted to the city clerk not later than twenty five (25) days prior to the date of a regular city council meeting where the request for a fence waiver can be heard by the city council.
- C. Practical Difficulties Or Hardship: Waivers to allow fences to be built and maintained at a height greater than otherwise allowed under city regulations may only be granted where strict application of the fence regulations would result in practical difficulties or hardship to a property owner and the waiver is not detrimental to the public interest.
- D. Sight Distance Hazard: The city council will not grant a waiver in fence height when the new fence will create a sight distance hazard.
- E. Notice To Adjoining Neighbors: Before the city council will consider a request to waive the height of a fence, the applicant must provide all adjoining neighbors notice of the request in writing. The written notice must be mailed or delivered at least fifteen (15) days before the city council meeting at which the request is to be heard. The written notice must clearly describe the fence waiver that is being requested, including the location of the fence, the proposed building materials to be used and the reasons why the request is being made. The written notice must also inform the neighbors of the date that the city council will consider the request and that they are invited to provide comment in writing or in person to the city council at the meeting. Once the notice has been given, and not later than the day before the scheduled city council meeting, the applicant shall provide to the city clerk a copy of the written notice that was provided to the neighbors and the applicant shall complete an affidavit for the city clerk confirming that the notice was provided as required to all neighbors identified as part of the application. If any neighbor does not receive notice and brings a complaint against the fence, the city council may refuse to grant or, if previously granted, revoke the permit. (2007 Code)