



Fence

CITY OF MONTPELIER, STATE OF IDAHO

ORDINANCE No. 608

AN ORDINANCE REQUIRING A BUILDING PERMIT TO BUILD, CONSTRUCT, OR PLACE A FENCE; ALSO ESTABLISHING A FEE FOR A PERMIT TO BUILD, CONSTRUCT, OR PLACE A FENCE.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MONTPELIER, STATE OF IDAHO AS FOLLOWS:

Section 1: Chapter 17.32020 shall be amended to include the following:

- I. Prior to the construction of any fence within the city limits of Montpelier, the individual(s) seeking to construct said fence must obtain a permit for the building of same.
- J. Prior to the issuance of any permit to construct any fence, the individual(s) seeking the permit shall pay a fee of \$30.00.

Section 2: All ordinances or provisions that are in conflict herewith are hereby repealed.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Section 4: One half (1/2) plus one (1) of the members of the full council agree to dispense with the rule requiring the reading of this ordinance on three (3) separate occasions.

Section 5: Severability: If any portion of this ordinance is determined by a Court of competent jurisdiction to be invalid or unenforceable, all other provisions of this ordinance shall remain in full force and effect.

PASSED AND APPROVED by the Mayor and the City Council of the City of Montpelier, Bear Lake County, Idaho, this 15<sup>th</sup> day of October, 2008.

  
Reed Peterson, Mayor

ATTEST:  
  
Leslie Tueller, City Clerk

PUBLISHED:

## Chapter 17.32

## PERFORMANCE STANDARDS

## Sections:

- 17.32.010 General.  
 17.32.020 Supplemental yard and height regulations.  
 17.32.030 Supplemental general provisions.  
 17.32.040 Provisions for commercial and industrial uses.  
 17.32.050 Provisions for unique land uses.

## 17.32.010 General.

The purposes of performance standards is to set specific conditions for various uses, classification of uses or areas where problems are frequently encountered. (Ord. 498 Art. X § A, 1983)

## 17.32.020 Supplemental yard and height regulations.

In addition to all yard regulations specified in the official schedule of district regulations and in other sections of this title, the following provisions shall be adhered to:

A. Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of three and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street right-of-way lines twenty-five (25) feet from the point of intersection.

B. Restrictions in Front Yards. In any required front yard, no fence or wall shall

be permitted to exceed four feet in height. There shall be no structure of any kind, or open storage of materials or equipment. This does not include overnight parking of vehicles for snow removal.

C. Fence and Wall Restrictions in Front Yards. In any required front yard, no fence or wall shall be permitted to exceed four feet in height.

D. Yard Requirements for Multifamily Dwellings. Multifamily dwellings shall be considered as one building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one front, one rear, and two side yards as specified for dwellings in the appropriate district.

E. Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts. Nonresidential buildings or uses shall not be located nor conducted closer than thirty (30) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the commission is provided. Such screening shall be a masonry or solid fence between four and eight feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height at the time of planting.

F. Architectural Projections. Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which

attached and shall not project into the required minimum front, side or rear yard.

G. Exceptions to Height Regulations. The height limitations contained in the official schedule of district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

H. Agricultural Fence Exemption. Agricultural fences constructed within the area of city impact are exempt from this title. (Ord. 498 Art. X § B, 1983)

**17.32.030 Supplemental general provisions.**

In addition to all other regulations as specified in this title, the following provisions shall be adhered to:

A. Conversion of Dwellings to More Units. A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;

2. The lot area per family equals the lot area requirements for new structures in that district; and

3. The conversion is in compliance with all other relevant codes and ordinances.

B. Temporary Buildings. Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary

facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the administrator.

C. Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed building or carport.

D. Required Trash Areas. All trash and/or garbage collection areas for commercial, industrial and multifamily residential uses shall be enclosed on at least three sides by a solid wall or fence of at least four feet in height or within an enclosed building or structure. Adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the administrator shall be provided. (Ord. 498 Art. X § C, 1983)

**17.32.040 Provisions for commercial and industrial uses.**

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this title may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements:

A. Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are