

ORDINANCE NO. 1191

AN ORDINANCE AMENDING THE BOULDER CITY CODE BY AMENDING PORTIONS OF TITLE 11, CHAPTER 20, "GENERAL USES; CONDITIONS; EXCEPTIONS" AND CHAPTER 32 "VARIANCES" (AM-02-251)

The City Council of Boulder City do ordain:

Section 1. That Title 11 of the City Code, Chapter 20, be amended by repealing Section 11-20-4 and adopting a new Section 11-20-4 in lieu thereof:

11-20-4. WALLS, FENCES AND HEDGES.

A. Measurement of height:

1. Front yard: Walls, fences or hedges which occupy any portion of a required front yard, except within the sight visibility zone as provided for in Section 11-20-5 hereof, shall be measured either:

- a. above the finished grade along the fence line, or
- b. above the curb grade, or
- c. above the nearest edge of the street pavement in the absence of a curb structure along the street right-of-way line, or
- d. above the finished lot grade along the side property line.

2. Other yards: Walls, hedges or fences in other yards shall be measured from the finished grade from the side of the wall, fence or hedge with least vertical exposure.

3. Retaining walls are not included in the measurement of wall height as noted above, except as per the provisions of Section 11-20-4.B.3.

B. Maximum height:

1. Front yard: A wall, fence or hedge may occupy any portion of a required front yard, except within the sight visibility zone as provided for in Section 11-20-5 hereof, provided that such walls, fences or hedges do not exceed the following heights:

<u>District</u>	<u>Maximum Height</u>
R1-20, R1-40, R1-80	6'
All other Rdistricts	4'
Perimeter subdivision walls	6'
Non-Residential districts	6'

2. Other yards: A wall, fence or hedge may occupy any portion of a front, side or rear yard, except within the required front yard and except within the sight visibility zone as provided for in Section 11-20-5 hereof, provided that such walls, fences or hedges do not exceed the following heights:

<u>District</u>	<u>Maximum Height</u>
C2, BC, CM	8'
All other districts	6'

3. Facing public streets: Solid walls and/or fences which face public streets shall not exceed six feet (6') in height on the public street side. Multiple retaining/fence walls shall be permitted, provided no single solid wall exceeds six feet (6') in height on the public street side. All walls within the sight

visibility zone shall comply with the requirements as per Section 11-20-5 hereof.

4. Exceptions for residential districts:

a. An additional one foot (1') in height for decorative features such as lights or finials shall be allowed on top of columns within a required front yard and street side yard.

b. Tennis/sports courts:

(1) Tennis/sports courts utilizing non-metallic netting may be permitted in a rear or side yard, and the maximum height for netting and posts shall be six feet (6'). If the yard is enclosed with retaining walls and solid walls or sight-obscuring fencing in excess of six feet (6') in height, the netting and posts for tennis/sports courts shall not exceed that height. Requests which exceed the height of the yard's walls/fencing are subject to public hearing and Planning Commission approval in accordance with the conditional use review procedures of Chapter 30 of this Title. Said netting and posts shall be removed if the tennis/sport court is removed.

(2) Within the R1-20 and R1-40 Zones, in addition to the requirements noted in subsection b(1), tennis/sports courts may also be permitted within a front yard, but not within a required front yard. A conditional use permit is not required for netting and posts up to six feet (6') in height within a front yard or up to ten feet (10') in height within a rear or side yard.

(3) Within the R1-80 Zone, in addition to the requirements noted in subsection b(1), tennis/sports courts may also be permitted within a front yard, but not within a required front yard, and a conditional use permit is not required for netting and posts up to ten feet (10') in height.

c. The Building Official may approve residential walls and/or fences in excess of the limitations set forth in Subsections 11-20-4.B.1, 2 and 3 herein, subject to the criteria for an administrative variance pursuant to Section 11-32-13. All other requests for variances would be subject to public hearing and Planning Commission approval as per Chapter 32 of this Title.

C. Planted hedges, shrubs or trees shall not obstruct any public way.

Section 2. That Title 11 of the City Code, Chapter 32, be amended by repealing Section 11-32-13 and adopting a new Section 11-32-13 in lieu thereof:

11-32-13. ADMINISTRATIVE VARIANCES.

Notwithstanding any other provision of this Chapter, the Building Official may administratively act on the following:

A. Buildings:

1. Permit administrative variances, not to exceed ten percent (10%) of the original requirements as to height, area, width and depth, for an encroachment into the side yard or rear yard for an improvement to a building which was constructed at least two (2) years prior to the date of the administrative variance application.

2. Conditions: The administrative variance shall be permitted provided the requested adjustment eliminates an unnecessary inconvenience to the applicant relative to the existing configuration of the building or to the shape or topography of the property, and will have no appreciable adverse impact on the health,

safety or general welfare of the surrounding property owners or the general public.

B. Residential fences and walls:

1. Permit administrative variances, not to exceed six feet (6') in overall height within required front yards, or eight feet (8') in overall height within other yards, inclusive of decorative features such as lights or finials. These overall heights include retaining walls where such walls are adjacent to a public street. Walls or fences above retaining walls within a required front yard shall have the top two feet (2') at least 50% open. All fences and walls shall also comply with Section 11-20-5 (Sight Visibility Zones) of this Title.

2. Conditions: The administrative variance shall be permitted provided the requested adjustment eliminates an unnecessary inconvenience to the applicant relative to the topography of the property, and will have no appreciable adverse impact on the health, safety or general welfare of the surrounding property owners or the general public, and the applicant has submitted sufficient topographic drawings and notarized letters of consent from owners of developed properties abutting the affected property lines.

C. For all administrative variances, it is the applicant's and/or property owner's responsibility to obtain approval from any applicable homeowner's association review board.

D. In the event the applicant is dissatisfied with the order, requirement, decision or determination made by the Building Official, or his authorized representative, an appeal may be made to the Planning Commission in accordance with the provisions of Chapter 34 of this Title.

Section 3. VALIDITY. Each section and each provision or requirement of any section of this ordinance shall be considered separable and the invalidity of any portion shall not affect the validity or enforceability of any other portion.

Section 4. PUBLICATION. The City Clerk shall cause this Ordinance to be published in summary on Thursday, the 27 day of February, 2003, in the Boulder City News, a Weekly newspaper, published in Boulder City, Nevada.

Section 5. EFFECTIVE. This Ordinance shall become effective, after its approval and publication, on the 19 day of March, 2003.

APPROVED: 2/25/03

ATTEST:


Robert S. Ferraro, Mayor


Vicki G. Mayes, City Clerk

The foregoing Ordinance was first proposed and read by title to the City Council on the 11 day of February, 2003, which was a regular meeting; thereafter, on the 25 day of February, 2003, a public hearing and regular meeting were held and the proposed Ordinance was adopted by the following vote:

VOTING AYE: Anderson, Ferraro, Nix, Pacini, Schepmann

VOTING NAY: None

ABSENT: None

APPROVED:

ATTEST:


Robert S. Ferraro, Mayor


Vicki G. Mayes, City Clerk