

Royce,

We have a couple of site plans that include sports activity courts with enclosures moving through review process that have brought to light a challenge posed by language in the section of code addressing Fences, Walls and Hedges 10-12-13. Paragraph 10-12-13-H states:

*H. Tennis Courts, Sport Courts, Batting Cages, Etc.: Fence type enclosures for uses such as tennis courts, sport courts, swimming pools, ball diamond backstops, batting cages, etc., may be erected to a height greater than eight feet (8') but not more than eighteen feet (18'), including any retaining walls, provided:*

- 1. Such enclosure does not constitute a part of a fence enclosing a property.*
- 2. All portions of the enclosure shall be located within the rear/side enclosure area of the lot.*
- 3. All portions of the enclosure above a height of eight feet (8') shall be non-sight obscuring.*
- 4. The enclosure shall be set back from the property line of adjoining properties and also the main building upon the lot to which it is appurtenant for a distance of not less than twenty feet (20').*

The challenge that we are running into pertains to the fourth requirement that the enclosure must be set back from property lines and the main building at least 20 feet. On the typical 15,000 square foot lot it is nearly impossible to construct a sports activity court with an enclosure that would meet this code requirement. The two 20 foot setbacks for the property line and dwelling typically do not leave any area for the court. In many cases there is only 30 feet total distance in the backyard. Even on some half acre lots this is a problem. With the growing popularity of Pickleball many people desire to construct a court in their yard including an enclosure. Many see this as a way they can reduce outdoor water consumption and have an amenity that they will utilize. This code requirement essentially rules out the majority of the property owners in Elk Ridge from constructing a sports activity court with an enclosure.

There are several people who have constructed these types of courts and enclosures in Elk Ridge and most do not meet this code requirement. Most courts are not required to come to the City for a permit because they are not constructing walls, footings, electrical or other items that would require inspection. So you will find that there are some people who have constructed these courts without knowing the code requirements.

The 20 foot setback requirement creates areas of very limited use space between the enclosures and property lines that very likely will be left unmaintained, used as a storage area, or planted in grass as it is easy to maintain. It is highly likely that the 20 foot setback requirement was included to try to address light trespass from the tall lights that are typically associated with these courts. Especially with today's LED technology, shielded directional lighting is relatively easy to accomplish. It may be better to remove the setback requirement from property line, and reduce the setback between the court and dwelling and add requirements for directional shielded downward lighting on the court that does not allow light trespass outside of the court. Hours of operation requirements could also be included in the code.

These proposed changes may also effect the language in requirement #1. However, unless a chain link fence material is used the enclosure most property owners would want a traditional privacy fence along the property boundary and the enclosure would very likely be constructed separately.

Please let me know how the City desires to proceed with this.

Thanks,

SHAY STARK – PLANNER/DESIGNER