

COUNCIL ACTION FORM

**SUBJECT: ZONING TEXT AMENDMENTS RELATING TO FENCES IN SETBACKS
SECTION 29.408 (2)**

BACKGROUND:

The City staff is requesting two minor amendments to the fence regulations (Section 29.408 (2) of the Municipal Code). The first proposed amendment adds the Research and Innovation (RI) zoning district to the list of industrial zones in which the fence regulations do not apply. Traditionally, the City has not regulated fences in industrial zones, recognizing the unique uses allowed in the districts and, often, a more pronounced need for security. This means that fencing is not limited to 4 feet in front yards and there are no height limits in any yard. In addition, it does not preclude the use of barbed wire or electric fencing.

The second proposed amendment clarifies the requirements for fences along streets. The word “and” is inserted to the conditions for which a six-foot fence can be allowed in the side or rear setbacks of a corner or through lot (see Section 29.408 (2) (c) (iii)). Staff has applied both standards previously to requests for fences and this change clarifies the expectation for customers. The existing ordinance and the proposed changes are found in Attachment A.

ALTERNATIVES:

1. The City Council can adopt the proposed amendments regarding fences.
2. The City Council can decline to adopt the proposed amendments regarding fences.
3. The City Council can recommend alternative language for the proposed amendments regarding fences.

The Planning and Zoning Commission reviewed the proposed text amendments at its December 16, 2015 meeting. The Commission recommended the Council adopt the proposed text amendment on a 5-0 vote.

CITY MANAGER'S RECOMMENDED ACTION:

These changes are minor and may be considered housekeeping measures. They add consistency to the industrial zone regulations and add clarity to the allowances for fences in corner and through lots in other zones. **Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1.**

ATTACHMENT A: PROPOSED LANGUAGE

New language is shown in **bold and underline**.

Section 29.408 (2) Fences.

(a) Applicability. These standards apply to all zoning districts except General Industrial (GI), **Research and Innovation (RI)**, and Planned Industrial (PI).

(b) Types of Fences. These standards apply to walls, fences and screens of all types whether open, solid, wood, metal, wire, masonry, earthen, or other material.

(c) Location and Height.

(i) Height in Front Setbacks & Yards. The maximum height of fences in front setbacks and front yards is four (4) feet.

(ii) Height in Side and Rear Setbacks. The maximum height for fences in side or rear setbacks is six (6) feet, except as further limited by this section in setbacks abutting street rights-of-way.

(iii) Height in Setbacks Abutting Rights-of-way. The maximum height of fences in any setback abutting a street right-of-way is four (4) feet, except that up to six (6) feet of fence is allowed in any side or rear setback if:

a. The lot does not abut the front yard of any other residential property along the same side of the street; **and**

b. The fence is at least five (5) feet from the property line abutting a street right-of-way. Within this five (5) foot area, landscaping is required consisting of one landscape tree for every 50 lineal feet and two high or three low shrubs for every ten lineal feet of area to be planted.

(iv) Height Outside of Setbacks. The maximum height for fences that are not placed in setbacks is eight (8) feet, except that in any portion of a front yard fences shall not exceed four (4) feet.

(v) Retaining Wall. In the case of retaining walls and supporting embankments, the above requirements shall apply only to that part of the wall above finished grade of the retained embankment, provided that the finished grade at the top of the wall or embankment extends at least 20 feet or if the available area is less than 20 feet, the grade extends to the principal structure. Otherwise, it will be considered an earthen berm and will be subject to the height limitation for fences.

(vi) Visibility Triangle. All fencing shall meet the requirements of the visibility triangle as defined in section 29.408(5) of the Municipal Code.

(d) Prohibited Materials. Barbed wire, razor wire, electric, and similar types of fences are prohibited.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 29, SECTION 29.408(2) AND ENACTING A NEW SECTION 29.408(2) THEREOF, FOR THE PURPOSE OF CLARIFYING THE REQUIREMENTS FOR FENCES IN SETBACKS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 29.408(2) as follows:

“Sec. 29.408. OTHER GENERAL DEVELOPMENT STANDARDS.

(2) Fences.

(a) Applicability. These standards apply to all zoning districts except General Industrial (GI), Research and Innovation (RI), and Planned Industrial (PI).

(b) Types of Fences. These standards apply to walls, fences and screens of all types whether open, solid, wood, metal, wire, masonry, earthen, or other material.

(c) Location and Height.

(i) Height in Front Setbacks & Yards. The maximum height of fences in front setbacks and front yards is four (4) feet.

(ii) Height in Side and Rear Setbacks. The maximum height for fences in side or rear setbacks is six (6) feet, except as further limited by this section in setbacks abutting street rights-of-way.

(iii) Height in Setbacks Abutting Rights-of-way. The maximum height of fences in any setback abutting a street right-of-way is four (4) feet, except that up to six (6) feet of fence is allowed in any side or rear setback if:

a. The lot does not abut the front yard of any other residential property along the same side of the street; and

b. The fence is at least five (5) feet from the property line abutting a street right-of-way. Within this five (5) foot area, landscaping is required consisting of one landscape tree for every 50 lineal feet and two high or three low shrubs for every ten lineal feet of area to be planted.

(iv) Height Outside of Setbacks. The maximum height for fences that are not placed in setbacks is eight (8) feet, except that in any portion of a front yard fences shall not exceed four (4) feet.

(v) Retaining Wall. In the case of retaining walls and supporting embankments, the above requirements shall apply only to that part of the wall above finished grade of the retained embankment, provided that the finished grade at the top of the wall or embankment extends at least 20 feet or if the available area is less than 20 feet, the grade extends to the principal structure. Otherwise, it will be considered an earthen berm and will be subject to the height limitation for fences.

(vi) Visibility Triangle. All fencing shall meet the requirements of the visibility triangle as defined in section 29.408(5) of the Municipal Code.

(d) Prohibited Materials. Barbed wire, razor wire, electric, and similar types of fences are prohibited.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor