



**To:** Mayor and City Council  
**From:** Kelly Diekmann, Planning & Housing Director  
**Date:** January 10, 2023  
**Subject:** Fence Regulations

## **Background:**

On December 13, 2022, the City Council requested a background memo related to fence regulations and particularly, regulations for fences in front yards.

Basic height regulations for fences have been in place in Ames since at least 1965. The basic regulations are a maximum height of four feet in front yards and front setbacks and six feet in side and rear setbacks. Fences outside of setbacks may be up to eight feet in height, except in a front yard where it is always limited to four feet. Fences along streets, in side and rear yards, are to be set back five feet from the property line abutting the street if they exceed four feet in height.

The Zoning Ordinance requires all structures to meet setbacks based upon the zoning district and type of structure. Residential zoning districts typically have a 25-foot front yard setback, side setbacks of 6 or 8 feet, and a rear yard setback of 20 feet. However, certain features are allowed to project into a setback as defined in Section 29.402(2). Fences are one of the items allowed within setback areas, subject to conformance to all other requirements.

**Standards for fences are found in Section 29.408(2) (Fences) and the front yard setback projections and encroachment Section 29.402(2).c. (Setbacks). Excerpts of these sections are attached to the memo.** (Note that no permit is required prior to constructing a fence.)

Recently, the issue of applying the “landscape accent” and “planter boxes” projection allowance as they relate to fence height was brought to the Zoning Board of Adjustment (ZBA) by two separate property owners. Each of these features is allowed within setbacks, subject to qualifying language that effectively applies fence height limits to the features. This language for projections into setbacks was updated in 2020.

The ZBA reviewed one instance for a garden enclosure in the front yard that exceeded four feet in height. The second instance was for a rear yard fence that had poles extending up to 12 feet in height, thereby exceeding the six-foot height limit. The

ZBA determined that in both cases the fence height limits applied to the structures and there was no exception to allow for them at the proposed heights in those locations.

**STAFF COMMENTS:**

Based upon our recent experience with the Section 29.402(2) “Setback Projections” description of features and their relationship to fence regulations, **staff believes that 29.402(2) should be clarified to remove the ambiguity in relation to the number of features allowed in a yard and the length of the features. This makes the question of whether a structure is a fence or not moot and easier to administer.**

For example, staff believes clarifying that a landscape accent can be no greater than 8 feet in width and that no more than three of these types of features are permissible in a setback would remove some of the ambiguity that currently exists in the standards as it may relate to its purpose and construction type.

**In regards to fences in the front yard setback, staff believes the four-foot limitation is appropriate to ensure an open residential feel is maintained in residential neighborhoods across the city.** City Council may want to offer additional homeowner flexibility for areas outside of the front setback to exceed four feet in height, meaning if the fence is outside of first 25 feet it could exceed four feet of height. This type of change would have limited impacts to newer neighborhoods where most houses are placed at the minimum setback, but it would potentially impact older neighborhoods where homes may be set back a much greater distance than the minimum of 25 feet.

**Additionally, staff from the Inspections Division and Planning Division believe a no-cost fence permit would be a beneficial process to add for installation of a fence, especially along streets and the front yard.** This would help property owners and staff navigate conformance to zoning requirements prior to constructing a fence or other small structure that might otherwise not have a permit requirement.

**If City Council is interested in discussing these issues further or pursuing code language modifications, this topic could be placed on a future agenda for discussion.**

## Attachment A- Setbacks

Relevant definitions and Zoning Ordinance sections are identified below.

- (74) **Fence** means an unroofed barrier or unroofed enclosing structure, including retaining walls.

### Sec. 29.402. SETBACKS.

- (2) **Extensions into Required Building Setbacks.** Certain building elements and site features are allowed to be located within or project into required setbacks.

- (c) **Full projections allowed.** In addition to the minor projections listed in the previous section, the following features are allowed to fully project into required setbacks:

...

- (viii) Landscape accents that include but are not limited to arbors with a coverage area no greater than 15 square feet; fountains and statuary up to four feet in height, and constructed ponds and waterfalls at or below finished grade, and similar incidental landscape accents. **The design and location of accent features shall not have the effect of creating a continuous wall that does not meet fence standards.**
- (xi) **Fences as allowed in Section 29.408(2);**
- (xii) **Planter boxes/walls at allowable fence heights;**

### Sec. 29.408. OTHER GENERAL DEVELOPMENT STANDARDS.

#### Sec. 29.408(2) Fences.

- (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.

The fence standards apply to all zoning districts [except General Industrial (GI), Research and Innovation (RI) and Planned Industrial (PI)].

The fence standards apply to all fence types, regardless of opacity, style, or 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.