

Proposed Changes to Zoning Regulations Articles 2 & 20

Zoning Regulations Article 2:

All changes are to Section 2-301 which are a list of definitions. I have listed the term that is altered with the reasons for the changes. Deletions are in red and struckthrough, new provisions are highlighted and in italics.

Fence. A free-standing structure intended to provide privacy, protection or confinement or to redirect a person's direction of travel. ~~A fence may be constructed of but not limited to: wire, chain links, wood, stone or any standard building materials. A fence is not a structure unless it exceeds 80% visual blockage.~~

This definition is simplified. The construction materials are proposed to be laid out in Section 20-901. The sentence about what is structure is being removed. The structural requirements are based on the appropriate building code.

Zoning Regulations Article 20:

Deletions are in red and struckthrough, new provisions are highlighted and in italics.

SECTION 20-9 FENCES

20-901. ~~Except as otherwise specifically provided elsewhere in these regulations or other codes and regulations of the City the following restrictions shall apply to the construction of all fences or improvements, replacements or extensions of existing fences. No fence shall be constructed within the City unless it is constructed in conformance with the following requirements:~~

a. ~~No fence shall be constructed at a location where it would constitute a traffic hazard.~~ *A fence or wall may project into or enclose any required front, side or rear yard subject to access requirements of any established easement and in accordance with the following:*

Comment [JW1]: This wording was moved to the section regarding corner visibility. The new section includes the reference to the former b. about dedicated easement.

b. ~~A property owner may install a fence within a dedicated easement at his or her own risk of having to remove or repair such fence due to the lawful activities of persons or entities under the easement.~~

Comment [JW2]: The easement is briefly noted in a. above

1. *The maximum height of fences or walls erected in a residential district shall be no more than six (6) feet in height for any side or rear yards measured from the adjacent grade.*

Comment [JW3]: This was previously 8 feet but an 8 feet fence triggers additional structural requirements. 7 feet may work but the standard size is 6.

2. *Any fence that extends beyond the front wall of any principal structure shall not be more than four (4) feet in height.*

Comment [JW4]: Some cities say 3 instead of 4. 4 feet is the current restriction. The original language was found in paragraph f which is found below struckthrough. This language is clearer and helps with consistency and visibility.

3. e. For corner lots in a residential district, a solid fence six (6) feet in height may be constructed in the side street front yard subject to the following: ~~rules shall apply: All sides adjacent to a street shall be considered front yards, with the one on the non-address side having the lesser setback requirement. The primary front yard shall meet the applicable district setback.~~

i. The fence shall not extend nearer to the front street lot line than the front wall of the principal building

ii. The fence shall not extend into any sight triangle as defined in these regulations.

iii. The zoning administrator shall establish which yard is the side street front yard.

Comment [JW5]: This is new wording, that is similar to 2 above. It should help with corner visibility and reduce traffic hazards. It also is clearer than the previous language or at least that is the intent.

Comment [JW6]: This also covers the former a. about traffic hazards.

4. d. For institutional uses in residential districts, such as schools, parks, hospitals and cemeteries, a fence may be constructed in the front yard setback provided it complies with subsections b, d and e of this section, and has at a maximum eight (8) foot height provided it does not constitute a traffic hazard.

Comment [JW7]: This statement had to be removed due to section renumbering/organization

5. e. A fence may be erected in a commercial district or industrial district to not more than eight (8) foot maximum height, except no fence shall have a height greater than six (6) feet in a required front yard, except where these Regulations provide otherwise.

~~f. A fence may be erected in a residential district to not more than eight (8) foot maximum height, provided a fence not more than four (4) feet in height may project into or enclose any required front yard to a depth from the street line equal to the required depth of the front yard.~~

Comment [JW8]: This was moved up to a.1. above and modified.

6. Except as otherwise set forth in these regulations, permitted materials for fences or walls on all properties shall include:

a. new lumber and new wood boards (picket style);

b. chain link;

c. wrought iron and decorative aluminum;

d. vinyl (picket or panel style);

e. brick and masonry (including proper footing in accordance with the building codes);

f. stone, rock and concrete block (including proper footing in accordance with the building codes);

g. stucco (including proper footing in accordance with the building codes) and;

h. any generally accepted fencing materials commonly used in the fencing industry as approved by the Zoning Administrator.

7. Prohibited materials shall include but not be limited to:

a. sheet metal;

b. metal building siding and roofing materials;

c. corrugated metal or fiberglass;

d. chicken wire;

e. plywood;

f. scrap wood;

g. scrap metal;

h. canvas, nylon or other non-rigid material or fabric;

i. cast-off, secondhand or other materials not originally intended to be used for constructing or maintaining a fence (including pallets); and

j. stock fences (including cattle or hog panels) except in the Agricultural (A) District.

k. g. —Barbed wire fences are prohibited inside the City limits, except:

i. 4- When property exclusively used for agricultural purposes is annexed into the City and the barbed wire fencing does not pose a risk to pedestrians. Risk to pedestrians shall be presumed when any barbed wire fencing is located within 10 feet of any pedestrian sidewalk, street or public thoroughfare.

ii. 2- On top of perimeter fencing of storage areas in industrial and commercial district zones, provided that barbed wire atop such fences shall be at least 6 feet above the ground with a maximum fence height of 8 feet;

l. h. Electric charged fences are prohibited inside the City limits, except:

i. 4- An electric fence not exceeding 24 volts and completely contained within a landowner's fenced property shall be permitted if the landowner first obtains approval from City Code Enforcement;

ii. 2- Electronic detector loops for animal containment systems shall not be classified as an electric charged fence;

m. i. Concertina wire or looped barbed-wire fences are prohibited inside the City limits.

Comment [JW9]: 6 and 7 were added to better define what is acceptable and not acceptable for fencing materials. This is new as the current regulations did not define this.

Comment [JW10]: Moved up to the prohibited section

Comment [JW11]: Simply moved from its previous section, wording is the same.

Comment [JW12]: Simply moved from its previous section, wording is essentially the same.

Comment [JW13]: Simply moved from its previous section, wording is the same except for the removed redundancy.

8. The zoning administrator may require a photograph or sketch of the proposed fence.

Comment [JW14]: New language that is especially helpful for interpreting 6i above. Notice the intentional use of the word "may" as this will not always be required.

b. The finished surface of all fences shall face outward from the property. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

Comment [JW15]: This is new language and is OPTIONAL. I wanted to add it because there is often issues with this. Generally speaking, whoever is constructing the fence should have the finished side facing outward but it can get interesting if the fence is on a shared property line.

c. Any existing fence which was in conformity with the provisions of any previous ordinance and which was in place as of the date of adoption of these regulations may remain without change, notwithstanding same may be in conflict with one or more provisions of these regulations. However, any replacement or change consisting of more than 50 percent of said existing fence or addition of a new fence shall meet the requirements of these regulations.

Comment [JW16]: This is new language. This section could help us with non-conforming fences.