



Request for Council Action

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
Deanna Kuennen, CED Director
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: September 11, 2018
SUBJECT: Ordinance 2018-2 Amending the Unified Development Ordinance, Section 6-250, Fence Location and Height Requirements and Section 6-260, Fence Materials and Maintenance Requirements – Second Reading

Background:

The Planning Commission, on March 19, 2018, after proper notice, held a public hearing on the proposed text amendment. No one from the public was in attendance at the meeting, and the City did not receive comments prior to the meeting.

The Planning Commission felt the updates to the fence regulations were warranted at this time. They noted that the change to the ordinance would allow home owners to make better use of their yard areas. They felt the new regulations would be easier to follow and enforce. By a vote of 7-0 the Planning Commission approved the proposed ordinance subject to clarification of sight triangle requirements and clarification of decorative fences allowed in the front yard area.

The City Council received the proposed ordinance for first reading, at its June 26, 2018 meeting and deferred action until it could hold further discussion at Joint Council Committee Meeting. The City Council asked to see some examples of the different types of fences. At a Joint Council Committee meeting held on July 24, 2018 the Council members reviewed photos of different fence styles they asked for staff to prepare an informational brochure using photos of fence styles to help explain the fence regulations to property owners. The Council determined that ordinance should proceed to first reading.

At its August 15, 2018 Meeting the City Council approved the first reading of the proposed ordinance without changes. The ordinance is presented for second reading with no substantive changes. Summary publication of

this ordinance has been tentatively scheduled for Friday, September 14, 2018 in the Faribault Daily News.

Recommendation:

1) Adopt the second reading of Ordinance 2018-2 Amending the Unified Development Ordinance, Section 6-250, Fence Location and Height Requirements and Section 6-260, Fence Materials and Maintenance Requirements. (4/7)

2) Approve summary publication of the ordinance in the Faribault Daily News. (5/7)

Attachments:

- Ordinance 2018-2

CITY OF FARIBAULT

ORDINANCE 2018-2

Amending the Unified Development Ordinance, Section 6-250, Fence Location and Height Requirements and Section 6-260, Fence Materials and Maintenance Requirements

WHEREAS, the City of Faribault Planning Commission has initiated a proposal to amend the City's Unified Development Ordinance regarding fences; and

WHEREAS, the Planning Commission held several work sessions on this matter, during which they received input from the public and local fence companies. City Staff considered this input and reviewed fence regulations from other Cities in preparing and presenting its report to the Planning Commission; and

WHEREAS, the Planning Commission, on the 19th day of March, 2018 following proper notice, held a public hearing regarding said request; and

WHEREAS, following said public hearing, the Planning Commission made appropriate written findings and recommended approval of the proposed ordinance amendments; and

WHEREAS, the City Council hereby finds the proposed ordinance amendments are appropriate with the following findings as required by Section 2-180 of the City's Unified Development Ordinance:

1. **Criteria: Whether the amendment is consistent with the applicable policies of the City's Land Use Plan.**

Finding: The Land Use Plan provides land use elements to promote strong residential neighborhoods. The proposed ordinance amendment is consistent with the policies of the City's Land Use Plan.

2. **Criteria: Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.**

Finding: The amendment is not intended to benefit only one property owner. It will be effective Citywide in all residential areas.

3. **Criteria: Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: This finding is not applicable as this proposal will amend zoning regulations for fences and will not alter the zoning classification of specific properties.

4. **Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: The zoning classification of specific property would not be changed, nor would the allowed uses be expanded residential districts. The proposed Ordinance amendments revise the fence regulations contained in zoning codes.

5. **Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: This zoning text amendment will not be applicable to one particular property within the City. It will be applicable Citywide.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Amendment of Section 6-250 and Section 6-260 of the Unified Development Ordinance related to requirements for Fences. The aforesaid sections of the Unified Development Ordinance are hereby deleted in their entirety and replaced as follows:

Sec. 6-250. Fence location and height.

Fences may be erected, placed, or maintained in any yard along or adjacent to a lot line, in accordance with the requirements identified below. The owner shall be responsible for properly locating all property lines before construction of any fence. A zoning certificate of compliance shall be required prior to installation of fences in any zoning district.

- (1) No fence shall exceed six (6) feet in height, not including finials, in residential districts or twelve (12) feet in nonresidential districts, nor be less than three (3) feet in height. In the case of grade separation such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade.
- (2) Any fence extending into a front building setback area, shall not exceed four (4) feet. Fences within a required sight distance triangle shall not exceed three (3) feet in height, except as provided under [subsection] (3) below.
- (3) Any fence within a front yard may be a maximum height of four (4) feet if open, decorative, ornamental fencing materials that are less than fifty (50) percent opaque are used subject to the specifications in Section 6-260 below.
- (4) Any fence, in residential districts with a residential use, meeting the height requirements of [subsection] (1) may be permitted in a corner side yard up to one foot from the property

line. In no case may these sections be permitted within any portion of a sight distance triangle.

- (5) A rear yard of a through-lot shall be permitted to construct a fence up to the property line in compliance with the height requirements of [subsection] (1).
- (6) The sight distance triangle as it pertains to this section shall be defined beginning at the intersection of where a driveway intersects a property line, measured fifteen (15) feet along each line and connected by a diagonal line. This requirement shall also apply to sites adjoining alleys. Fences shall also be prohibited within the sight distance triangle area as defined in Section 1-120.

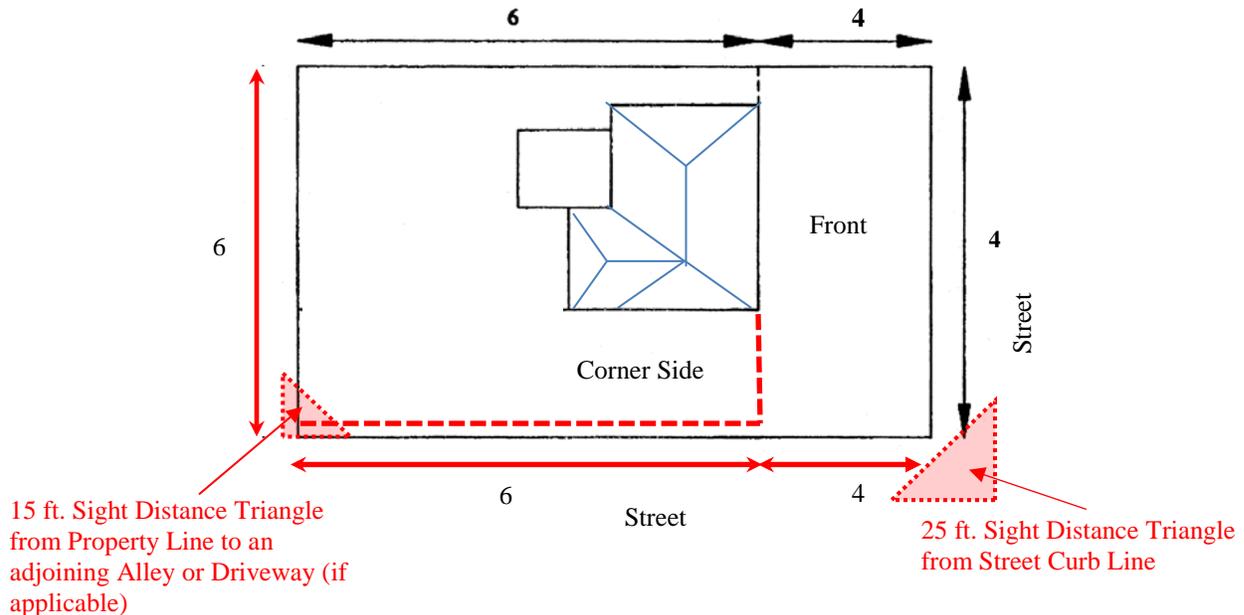


Figure 6-2. Maximum Fence Height, Residential Districts

Sec. 6-260. Fence materials and maintenance.

- (1) All walls and fences shall be durable, standard fence materials, and kept in a condition so as not to become a nuisance. Drywall, cardboard, plywood and particle board panels shall not be used as fencing material.
 - a) Standard Fence Materials shall include cedar fence posts and boards, treated wood fence posts and boards, PVC or vinyl fence posts and panels designed and manufactured for use as fence sections, aluminum fence posts and panels, wrought iron fence panels, steel fence panels (designed and manufactured for use as fencing, chain link fencing with wood or tubular steel posts and frames and other materials as approved by the City Planner.
- (2) Barbed wire and electric wire fencing may be used only for agricultural purposes, retention of livestock, industrial storage areas when not visible from a public right-of-way, and when necessary for security purposes at correctional and other similar facilities.
- (3) All fence posts and supporting members shall be erected so that the finished side or sides of the fence face the adjacent property or public right-of-way.

- (4) Slats shall be permitted on chain link fences in industrial districts or uses. Screening slats shall be properly maintained free of graffiti and if damaged screening slats shall be promptly replaced with a matching color slat.
- (5) Metal wall or roof panels may be permitted as a fence material by conditional use.
- (6) Decorative - Ornamental Fences per Section 6-250, sub-section (3) above, shall include wrought iron, wood or vinyl picket, split rail, rail and post, and wood framed vinyl coated (or equal) chain link with minimum 4" X 4" decorative posts and minimum 2" X 4" horizontal framing members. Alternative ornamental materials beyond those listed above may be approved with a conditional use permit.

Section 2: Summary Publication. City Staff shall, upon an affirmative vote of no fewer than five of seven City Council Members, have the following summary printed in the official City newspaper in lieu of the complete ordinance:

On _____, 2018 the Faribault City Council adopted Ordinance 2018-2 that amends and revises the Unified Development Code, Zoning Regulations regarding fence requirements in the City. A printed copy of the ordinance is available for inspection during regular business hours at Faribault City Hall.

Section 3: Effective Date. This ordinance shall be effective immediately upon its passage and publication, in accordance with Chapter 3 of the Faribault City Charter.

Public Hearing:	March 19, 2018
First Reading:	August 15, 2018
Second Reading:	September 11, 2018
Publication:	_____, 2018

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator