

FARIBAULT PLANNING COMMISSION
JUNE 17, 2019 PUBLIC HEARING

Case Number and Request:	ZTA 22-19: Proposed Amendments to Fence Ordinance
Recommendation:	Recommend that the Council Approve Ordinance 2019-10: Approve Amendments to Section 6-250 and Section 6-260 of the Unified Development Ordinance related to Fences
Deadline for Council Action:	None (Request Initiated by the City)
From:	David Wanberg, AICP, City Planner

BACKGROUND AND SUMMARY OF REQUEST

Over the years, the City Council approved multiple variances related to height of fencing and the use of barbed wire fencing in nonresidential zoning districts. Consequently, the City Development Review Committee (DRC) and the City Planning Commission (PC) held work sessions to discuss possible amendments to the fence provisions in the City’s Unified Development Ordinance. The DRC and PC recommended that the Ordinance be amended to clarify that fencing in the corner side yard and rear yard of through-lots can be 12 feet high in industrial districts and 8 feet high in commercial districts. The DRC and PC also recommended additional flexibility in the use of barbed wire fencing when needed.

City Staff prepared the attached draft ordinance amendment in response to the direction of the DRC and PC. City Staff views the proposed amendments as a temporary measure to address immediate concerns with the fence ordinance. In the coming year or two, Staff intends to completely update the Unified Development Ordinance and further refine the fence ordinance.

RECOMMENDATION

Recommend that the City Council approve Ordinance 2019-10 based on the written findings in the ordinance.

ATTACHMENTS

- Draft Ordinance 2019-10

CITY OF FARIBAULT

ORDINANCE 2019-10

APPROVE AMENDMENT TO SECTION 6-250 AND SECTION 6-260 OF THE UNIFIED DEVELOPMENT ORDINANCE RELATED TO FENCES

WHEREAS, the City of Faribault Planning Commission and the City of Faribault Development Review Committee conducted work sessions to review the City ordinances related to fences; and

WHEREAS, the Planning Commission and the Development Review Committee recommended amending the fence ordinance to allow nonresidential fences to a height of eight (8) to twelve (12) feet and to allow the use of barbed wire where appropriate; and

WHEREAS, the Planning Commission, on the 17th day of June, 2019 following proper notice, held a public hearing regarding said ordinance amendment; 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 proposed amendments to the fence ordinance support the economic policies and life/safety 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.

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. 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: Findings and Incorporation of Recitals. The findings and recitals set forth in this Ordinance are incorporated into and made part of this Ordinance, and where applicable, constitute the written findings of the City Council of the City of Faribault.

Section 2: Amendment of Section 6-250 and Section 6-260 of the Unified Development Ordinance related to Fences. Section 6-250 and Section 6-260 of the City's Unified Development Ordinance are hereby amended by adding the double-underlined text and deleting the ~~stricken~~ text as follows:

Sec. 6-250. Fence location and height.

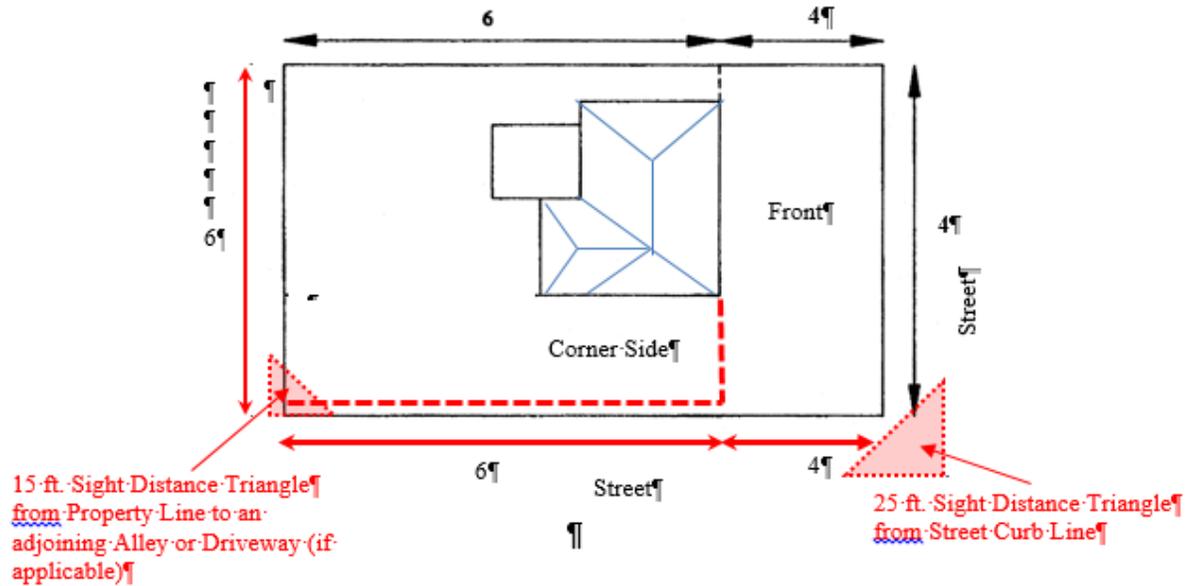
Fences may be erected, placed, or maintained in any yard along or adjacent to a lot line, in accordance with the requirements identified below. The owner shall be responsible for properly locating all property

lines before construction of any fence. A zoning certificate of compliance shall be required prior to installation of fences in any zoning district.

(1) Fences in residential zoning districts shall meet the following requirements:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) Any fence, in residential districts with a residential use, meeting the height requirements of [subsection] (1)(a) 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.
- (e) 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)(a).
- (f) 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.



- (2) Fences in nonresidential zoning districts shall meet the following requirements:
 - (a) In industrial zoning districts, no fence shall exceed twelve (12) feet in height, nor be less than three (3) feet in height. In commercial zoning districts, no fence shall exceed eight (8) feet in height, nor be less than three (3) feet in height. In all other zoning districts, the City Planner shall determine if the residential, commercial, or industrial fence height requirements shall apply. 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.
 - (b) No fence shall exceed four (4) feet in height in the area between the required minimum building setback as stipulated by the Unified Development Ordinance and the front lot line.

- (c) Any fence in a nonresidential zoning district with a nonresidential use may be permitted to construct a fence up to the corner side lot lines and rear lot lines of through-lots at the height allowed by subsection (2)(a) above.
- (d) Essential service uses requiring protection, including but not limited to, electrical and gas substations and water and waste water treatment plants, shall be allowed to construct a fence up to twelve (12) feet in height on any property line.
- (e) In no case shall a fence obscure the required sight triangle as required by this Ordinance or as required by the City Engineer or other authorized agent of the City.

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.~~
- (2) Barbed wire shall be prohibited except as follows:
 - a) Barbed wire shall be permitted for allowed agricultural purposes and the retention of allowed livestock.

- b) Barbed wire shall be allowed in industrial districts and for essential service uses (including, but not limited to, electrical and gas substations, and water and wastewater treatment plants). The barbed wire shall begin at a point at least six (6) feet above finished grade and it shall not project over property lines.
 - c) Barbed wire shall be allowed when necessary for security purposes at correctional facilities and similar facilities.
 - d) Barbed wire may be allowed in commercial districts with the issuance of a conditional use permit. The barbed wire shall begin at a point at least six (6) feet above finished grade and it shall not extend over property lines. Findings shall be made that the barbed wire is necessary to protect the property for which the barbed wire is intended.
- (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, subsection ~~(3)~~ (2)(C) 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 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: June 17, 2019
First Reading: June 25, 2019
Second Reading: July 9, 2019
Publication: July 16, 2019

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator