



## MEMORANDUM

DATE: March 14, 2016  
TO: Chairperson Hvidsten, Members of the Planning Commission, Administrator Kreft  
FROM: Cynthia Smith Strack, Community Development Director  
RE: Item 5.2 Code Amendment – Downtown Fences

### REQUEST SUMMARY:

**PZ Task:** Discussion of proposed amendment to Section 1107.02 (Fences) of the City Code.

**Discussion Overview :** As communicated in previous Director's Reports, the Design Committee (DC) has been studying the impact that fences can have in the Downtown. The DC has reviewed existing fences, the potential placement of new fences, and images conveying the concept of pedestrian-friendly environs. The DC also reviewed pictures of several different fence types, looked at historic photos of fences in Belle Plaine Downtown, and researched what other communities have done to help ensure fences blend in Downtown fabric.

The DC recommends additional guidance be established to allow oversight of fences. The DC recommends a two-phased approach which will not be overly prescriptive but which will establish preferences and guidelines under which proposed fences will be reviewed.

First, the DC recommends amendment of Section 1107.02 of the Code relating to fences in the Downtown. The proposed amendment, as illustrated in the attachment, would add Subsection (8) to Subdivision 4 and authorize and require the DC review fences proposed for the Central Business District.

Second, the DC recommends the Design Manual be updated to include guidelines (not rigid standards) for CBD fences. The proposed guidelines are attached.

The dual approach is common in other cities.

**Request:** Discussion regarding code amendment. If supportive call for a public hearing on April 11<sup>th</sup> on the Code amendment. The Design Manual amendment doesn't require a public hearing but would be considered at the same time.

**Attachments:**

1. Proposed code amendment – fences
2. Proposed language to be inserted in Design Manual

SECTION 1107.02 FENCES.

1107.02 SUBD. 1. PERMITTED.

Fences shall be permitted in all yards subject to the conditions of this Section.

1107.02 SUBD. 2. PERMIT REQUIRED.

It is unlawful for any person to construct or cause to be constructed or erected within the City, any fence without first making an application for and securing a building permit.

1107.02 SUBD. 3. LOCATIONS.

All fences shall be located entirely upon the private property of the person constructing, or causing the construction, of such fence and shall be set back two (2) feet from all lot lines unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. The Building Official or the Zoning Administrator may require the owner of the property upon which a fence now exists, or may require any applicant for a fence permit, to establish the boundary lines of his/her property by a survey thereof to be made by any registered land surveyor.

1107.02 SUBD. 4. CONSTRUCTION AND MAINTENANCE.

1. Every fence shall be constructed in a substantial, professional-like manner and of substantial material reasonably suited for the purpose for which the fence is to be used.
2. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance. Any such fence which is, or has become dangerous to the public safety, health, or welfare, is a public nuisance, and the Zoning Administrator shall commence proper proceedings for the abatement thereof.
3. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top.
4. That side of the any fence considered to be its evident finished side or face (i.e. the finished side having no structural supports) shall front abutting property. If the fence is located in a commercial or industrial district and visible to the public from both sides, as determined by the Zoning Administrator, it shall contain finished surfaces on both the interior and exterior of the fence.
5. Fence shall not obstruct natural drainage.
6. A fence may be located within the rear yard and side yard to a maximum height of six (6) feet up to the point where it is parallel with the front edge of the building. Fences located within the front yard or side-street yard to the right-of-way shall have no more than 50-percent opacity and not exceed four (4) feet in height as

measured from grade. In any residential district, no opaque fence, hedge, wall or similar structure shall rise over thirty (30) inches across the front yard and along the side lot line to a distance equal to the required front yard setback.

7. Fences exceeding six (6) feet in height, or a variation from the requirements of this Section, shall require a conditional use permit.
8. **Design Committee review is required for fences facing public streets, alleys, and sidewalks within the B-3 Central Business District. Fences shall respect design standards contained in the Belle Plaine Design Manual, as may be amended.**

*(Ord. 15-03, Section 1107.02, Adopted June 15, 2015.)*

## FENCES IN DOWNTOWN – SAMPLE LANGUAGE

**Following text to be inserted into Belle Plaine Design Manual (Downtown District or add new section)**

1. Fences, walls, and gates serve aesthetic and functional roles and define the character of residential and commercial areas within Belle Plaine's Central Business District. In the B-3 Central Business District, proposals for new fences to enhance the site, improve security, or increase privacy are reviewed in terms of their siting and their design. The compatibility of proposed materials, height, configuration, scale, detail, and finish with other structures in the district shall be reviewed as is the proposed configuration for the specific site.
2. New fences and gates shall avoid compromising the authenticity of the Downtown and adjacent properties.
3. Fences and gates in front yards and street side yards (corner lots) shall be:
  - a) Of an open design such as picket;
  - b) Non-opaque meaning passersby can easily see through the fence and a visual connection between the sidewalk and area behind the fence can easily be maintained;
  - c) Composed of painted wood, traditional iron, or aluminum reminiscent of wrought or cast iron if pertaining to a residential use;
  - d) Composed of traditional iron or aluminum reminiscent of wrought or cast iron if pertaining to a non-residential use;
  - e) In horizontal alignment with existing fences and/or the sidewalk edge, unless the City finds a further setback contributes to the pedestrian experience and quality/character of the streetscape;
  - f) Harmonious with and reflective of the color palette employed in the immediate vicinity and the principal structure;
  - g) Designed with colors and elements which blend in with existing features as opposed to drawing attention to the fence or gate as a design element of the site;
  - h) Generally be of modest design detail similar to those historically found within the City as opposed to elaborate ornamental detailing; and,
  - i) Generally no greater than three and a half (3 ½) to four (4) feet in height.
4. The following are not permitted within the B-3 Central Business District:
  - a) Fences, gates, or walls composed of non-traditional iron, post and rail or split rail type, chicken wire, barbed wire, concertina wire, round tubing, and similar materials, and above-ground electric fences.
  - b) Chain link fences or privacy fences in front yards and street side yards of corner lots.
  - c) Retaining walls within the 100 block of Main Street, the 100 block of Church Street, the 100 block of Meridian Street South, or the 100 or 200 block of Meridian Street North.
5. Fences which are more opaque may be used to screen service areas, mechanical equipment, and dumpsters for commercial uses in the B-3 Central Business District. Said service areas, mechanical equipment, and dumpsters shall be located out of view from public streets and sidewalks.
6. Chain Link:
  - a) Chain link fences are not appropriate for front yards or side yards that face streets.
  - b) Chain link fences may be acceptable in rear yards or side yards where not visible from the street.

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- c) The painting of visible sections of chain link fences in dark green, dark brown, or black colors is encouraged.
  - d) The screening of chain link fences with hedge, ivy, or other vining cover is encouraged.
7. Privacy fencing:
- a) Privacy fencing is not allowed in a front yard or a side yard facing a public street.
  - b) Privacy fencing may be appropriate for interior side and rear yards not facing a public street.
  - c) Privacy fencing consisting of vertical uprights are considered appropriate choices.
  - d) Privacy fencing materials and color should work in harmony with and be reflective of adjacent structures.
  - e) Privacy fencing materials considered appropriate choices are wood, vinyl, and composite.