



February 21, 2023

Council,

Based on discussion from the Planning and Zoning commission it was recently voted in favor to recommend altering our fencing code section 401.1 A, B, & C to remove restriction of solid privacy fences over 4' height within a 2' gap on side lot lines and combine it with the language of rear lot lines which does allow for 6' privacy fence.

Note these codes also apply to shrubbery. Fencing and shrubbery restrictions are a combined section in city code

Current code:

Section 401 – Fencing and shrubbery requirements

401.1.

No solid construction fence or any form of shrubbery on a lot line or within two feet of said lot line shall exceed the following specific requirements:

- (a) Front lot line: Maximum height shall not exceed three feet above the ground level.
- (b) Side lot line: Maximum height shall not exceed four feet above the ground level Unless the portion which exceeds four feet is 65 percent or more open.
- (c) Rear lot line: Maximum height shall not exceed six feet above the ground level.

The way we have interpreted this code is that if you want to build a six foot tall solid privacy fence you have to be at least two feet off of your side lot line. It is very difficult to establish what 2' off a lot line truly is without a professional survey done which makes this code difficult to enforce as well as frustrating and potentially costly for citizens.

Another potential issue we see with this is a 6' height chain-link fence put directly on the lot line next to a 6' solid privacy fence set 2' off of the lot line would create a nearly unmanageable two foot lawn gap between the chain-link and the privacy fence.





We discussed the potential reasoning for the setback and it was determined that 2' would allow for maintenance on both sides of a fence without requiring any easement onto a neighbors property.

Recommendation:

401.1.

No solid construction fence or any form of shrubbery on a lot line or within two feet of said lot line shall exceed the following specific requirements:

- (a) Front lot line: Maximum height shall not exceed three feet above the ground level.
 - ~~(b) Side and rear lot line: Maximum height shall not exceed four feet above the ground level. Unless the portion which exceeds four feet is 65 percent or more open.~~
 - (b) **Side and Rear lot line**: Maximum height shall not exceed six feet above the ground level.
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For reference these are the additional fencing and shrubbery code:

401.2. Within the buildable area of a rear yard, a solid construction **fence** or shrubbery shall not exceed a height of more than ten feet.

401.3. On any corner lot, or corner lot abutting on an alley, no **fence** or other structure shall be erected and no foliage or shrubbery shall be planted or maintained to a height of more than three feet above the ground within the triangular area formed by connecting the right-of-way lines at points, which are 15 feet distance from the intersection of the right-of-way lines, and measured along the right-of-way lines. No foliage or shrubbery shall be planted or maintained, and no **fence** shall be constructed in such a manner which will materially obstruct the view of the drivers of vehicles approaching a street intersection or two streets or an alley and a street shall be trimmed up at least eight feet from the ground.

401.4. It shall be unlawful to erect or maintain anywhere in the city a **fence** equipped with or having barbed wire, spikes or any similar device within eight feet of the ground level. The use of barbed wire, spikes or any similar device shall be permitted where there use is in excess of eight feet above ground level and where the use is solely for security purposes.

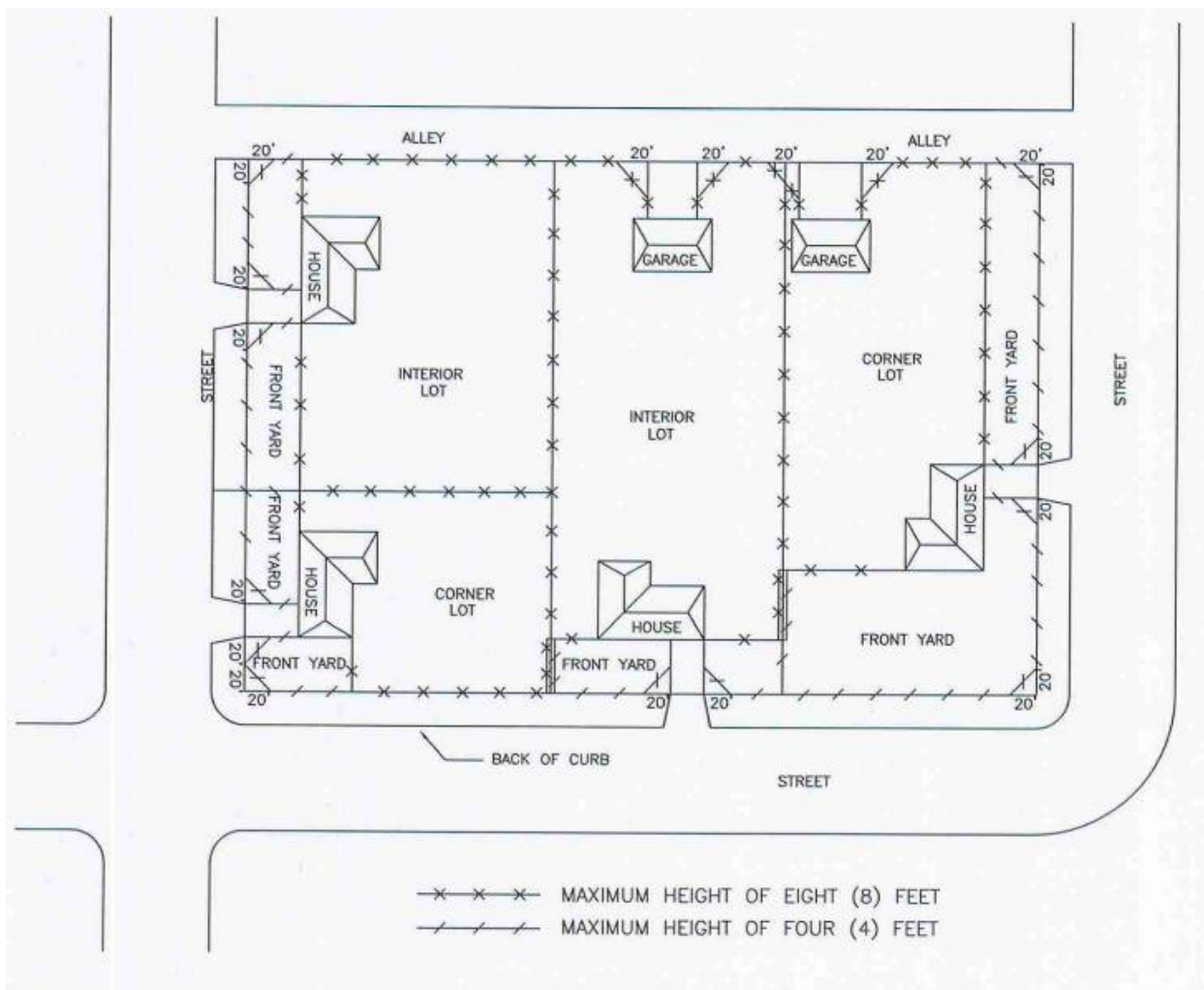


It shall be unlawful to erect or maintain anywhere in the city a fence equipped with any electric charge sufficient to cause shock.

401.5. It shall be unlawful to utility tarps in the construction of a fence.

Reference of other towns fencing code:

Waterloo:



Waverly:

no taller than three (3) feet in the front yard and no taller than six (6) feet in the side and rear yards.



Decorah:

No restriction on height other than in intersections

“No fence located at a street intersection may exceed four feet in height within a clear vision triangle formed by measuring twenty-five feet along each property line from the corner of the right-of-way.”

Boone:

Fences can be constructed at the property line but are limited to four (4') feet in height in front yards and up to ten (10) feet in height in all other yards.

-David Kral
Building Official and Zoning Administrator



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