

## **ORDINANCE #464**

### **AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MISSOURI VALLEY, IOWA, 1997, TO AMEND THE FENCE REGULATIONS**

**BE IT ORDAINED** by the City Council of the City of Missouri Valley, Iowa:

**SECTION 1. ESTABLISHMENT.** The Zoning Ordinances are hereby amended as follows: Article XXII, Section 22.4 Fences and Hedges, Corner Visibility, is deleted and included as new Section 3.92 – 3.96; and Article III, Section 3.9 General Provisions Relating to Fences is added to read as follows:

**3.9 General Provisions Relating To Fences.** Fences, including masonry walls, vegetation, ornamental iron, chain link, open wood, solid wood or metal, forming a physical barrier, placed on private property, used for any purpose shall conform to the following requirements:

**3.91 General Requirements for all Zoning Districts**

- A. No fence placed on any lot shall project over the property line. No fence or obstruction shall be placed in the public right-of way.
- B. The height of a fence shall be measured from the grade on which the fence is placed.
- C. The finished side of any fence shall be directed toward the street right-of way and adjoining properties.
- D. No fence shall be placed within three feet of a fire hydrant. No fence shall block visibility or access to a fire hydrant from the street.

**3.92 Fences and Hedges, Corner Visibility.** Except in zones allowing the construction of buildings to the property line, there shall be provided an unobstructed view across the triangle formed by joining points measured twenty (20) feet distance along the property line from the intersection of two (2) streets or fifteen (15) feet along both the street and alley line from the intersection of a street and an alley. Within said triangle there shall be no sight obscuring or partly obscuring wall, fence or foliage higher than thirty (30) inches above curb grade or in the case of trees, foliage lower than five (5) feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

**3.93 Fences and Hedges, Other Than Corner.** On portions of a lot not covered by street or alley intersection restrictions, the height of fences or structures of any length, and foliage continuous for five (5) feet or more, shall be limited to forty-two (42) inches on any street line and the front fifty (50) feet of any side lot line. On all other portions of lot lines, fences, hedges and continuous foliage barriers may not exceed a height of eighty (80) inches.

**3.94 Fences and Hedges, Within Building Lines.** Fences, structures and hedges erected within a portion of a zoning lot on which a principal building, but not an accessory building, may be erected, may conform with height limits of buildings which may be erected on such lot, but

shall be subject to any building code provision, if so adopted, which may be applicable for buildings.

**3.95 Fences and Hedges, Measurement Rule.** Heights of fences, structures, hedges and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley or the official established grade thereof whichever is the higher. On inside lot lines the measurement shall be from the average grade thereof, whichever is higher.

**3.96 Fences and Hedges, Exception, Board of Adjustment.** The Board may approve, or may direct as a condition for granting an appeal, that fences or plantings of a height in excess of these regulations be placed as shielding between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.

**SECTION 2. PUBLIC INTEREST.** This ordinance is in the interest of public safety and aesthetics within the City of Missouri Valley.

**SECTION 3. REPEALER.** All ordinances or parts of ordinances in conflict with this ordinance are repealed to the minimum extent necessary to comply with this ordinance.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall become effective upon its adoption by the City Council of Missouri Valley, Iowa and publication as provided by law.

Final passage by the Council at its regular meeting on December 1, 2009; and approved this 1<sup>st</sup> day of December, 2009.

1<sup>st</sup> Reading – 11/3/09

2<sup>nd</sup> Reading – 11/17/09

3<sup>rd</sup> Reading – 12/1/09

Published – 12/11/09