

Memo

To: Public Works Committee, City Council
From: Otis T. Spriggs, Craig Light- Planning & Engineering Depts.
Date: October 23, 2009
Re.: **Fence Ordinance- Amendment**

Aldermen:

Below are suggested Text Amendments for the current Fence Ordinance for your consideration as recommended by the Metropolitan Area Planning Commission:

Sec. 117-329. Fences (Permit Required)

Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of all fences:

(1) *Maximum height.* Fences shall not exceed ~~eight (8)~~ **six (6)** feet in height, unless approved by the Planning Commission. **(Modified)**

- a. Front yards. Fences that are 50 percent open may be erected to a maximum height of 4 feet in the front yard. **(Add New Section)**
- b. Fencing in the I-1 and I-2 districts, **areas abutting interstate highways**, around tennis courts and other recreational amenities, and on **lots or tracts containing 5-acres or more** shall be exempt from the height limit. **(Modified)**

(2) *Corner visibility.* Fences shall comply with the corner visibility standards of section 117-327.

(3) *Construction materials.* Fences in all residential zoning districts shall be constructed so that the horizontal and vertical support posts are inside the fence area or hidden from view of those outside the fenced area. This requirement shall not apply to fences that abut nonresidential zoning districts, **lots abutting interstate highways**, or in situations where the owner of the lot adjacent to the fence ~~agrees to~~ **gives written permission of** a plan for placing support posts on the outside of the fence. All exposed steel, except galvanized metal, shall have a color finish coat applied to them and be preserved against rust and corrosion. **(Modified)**

(4) *Design and maintenance.* All fences shall be maintained in their original upright condition. Fences designed to be painted or have other surface finishes shall be maintained in their original condition as designed. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

(5) *Prohibited.*

- a. Barbed wire and electrified fences shall be prohibited on all lots of less than two acres in area.
- b. **Fencing shall be prohibited within any street right-of-way. Exact location of fencing shall be the sole responsibility of the property owner. (Section Added)**

- c. **Fencing shall not obstruct the passage or storage of floodwater, surface runoff, or stormwater along lot lines as regulated in Section 112-129, of Chapter 112, Stormwater Management of the Jonesboro Code of Ordinances. (Section Added)**

Record of Proceedings
Minutes: MAPC Meeting October 19, 2009

Fence Ordinance Discussion:

Mr. Spriggs stated that this is a review of the existing ordinance and allow for permits to be required to coordinate issues of drainage and location. The code reflects the following:

(1) Maximum height. Fences shall not exceed six (6) feet in height, unless approved by the planning commission.

*c. Privacy style fencing **shall not be erected in the front yards**, except in I-1 and I-2 Districts or where variances are granted by the Board of Zoning Adjustments based on hardship. **(Modified)***

*d. Fences that are 50 percent open may be erected to a maximum height of 4 feet in the front yard. See Figure 12-9. **(added Section)***

*e. Fencing in the I-1 and I-2 districts, **areas abutting interstate highways**, and around tennis courts and other recreational amenities, shall be exempt from the height limit.*

(2) Corner visibility. Fences shall comply with the corner visibility standards of section 117-327.

*(3) Construction materials. Fences in all residential zoning districts shall be constructed so that the horizontal and vertical support posts are inside the fence area or hidden from view of those outside the fenced area. This requirement shall not apply to fences that abut nonresidential zoning districts, **(insert) lots abutting interstate highways** or in situations where the owner of the lot adjacent to the fence ~~agrees~~ ~~to~~ **gives written permission of** a plan for placing support posts on the outside of the fence. All exposed steel, except galvanized metal, shall have a color finish coat applied to them and be preserved against rust and corrosion.*

Mr. Halsey asked if there is a minimum square footage requirement. He expressed concern for individuals having large lots and wanting to place the home far off the road with fencing in the front. Normally a bill of assurance takes care of this in a subdivision. The minimum 2-acre provision deals with barbed wire requirements. Mr. Halsey recommended allowance for 8 ft. for larger lots. Mr. Kelton inquired about the conditional process or planning commission approval.

The consensus was obtained to set a 5-acre threshold for fencing that will require MAPC approval for privacy style fencing in the front yard exceeding 8 ft. in height.

Mr. Kelton stated that he would be concerned about the neighbors not having more than one acre of property on either side. It has to be a case by case review. Mr. Spriggs asked if MAPC wanted to review those or send them to the Board of Zoning Adjustments. In the event of 5-acres or more privacy fencing in the front yard will require MAPC approval. Mr. Kelton asked about fees for the permit. Mr. Spriggs stated that the City is working on revenue enhancements and they will most likely be implemented in 2010.

Staff has removed the previous language with prohibited fencing in easements. Now they will be allowed in compliance with Item C, regarding the storm water drainage ordinance. Photographs were shown where the fence impeded the water flow.

Mr. Day asked if the City or CWL has a policy for fences on easements. Who replaces the fences? Ms. Norris stated CWL will replace them. Mr. Light stated that the City would prefer not to replace them but we do. Mr. Spriggs stated also that the diagrams were removed which were confusing.

Other changes were as follows: (5) Prohibited.

- d. Barbed wire and electrified fences shall be prohibited on all lots of less than two acres in area.*
- e. **Fencing shall be prohibited within any street right-of-way. Exact location of fencing shall be the sole responsibility of the property owner.***
(Section Added)
- f. **Fencing shall not obstruct the passage or storage of floodwater, surface runoff, or stormwater along lot lines as regulated in Section 112-129, of Chapter 112, Stormwater Management of the Jonesboro Code of Ordinances.*** *(Section Added)*

Mr. Kelton asked where the 8-ft. provision came from. Mr. Spriggs stated that the 8 ft. in a typical situation is unattractive. Mr. Spriggs stated that the 6 ft. could be the maximum height in residential, and 8 ft. allowed in commercial district. The MAPC agreed to reduce this to 6 ft. maximum. Motion was made by Mr. Halsey to recommend approval to City Council; 2nd by Ms. Norris. All ayes (5 to 0).