

Replace 'wrought iron' with 'view fencing'
CODE AMENDMENT

DATE: May 6, 2020

CODE AMENDMENT SECTIONS: Sections 2-20 – TH (Townhouse), 2-22 – MF-1 (Multifamily – low density), 2-23 – MF-2 (Multifamily – medium density), 2-71 – MU-1 (Mixed-Use – Historic Commercial Core), 2-72 – MU-2 (Mixed-Use – Downtown Medium Density), 2-73 – MU-L (Mixed-Use – Limited), 2-74 – MU-R (Mixed-Use – Redevelopment and Small Lot), 2-75 – MU-G (Mixed-Use – Greenfield) and 8-65 – Outdoor Storage and Display

STAFF REVIEW AND ANALYSIS: Since the Zoning and Development Code was published on October 1, 2018, staff has identified changes which are intended to improve specific sections or to correct errors.

Wrought Iron / View Fencing:

The code regulates lot fencing and describes several fencing types, including 'wrought iron'. With the addition of a definition for 'view fencing', the term 'wrought iron' is no longer necessary. This ordinance replaces the term 'wrought iron' with the term 'view fencing'. The definition of view fencing includes wrought iron.

RECOMMENDED MOTION: Staff recommends approval of the Code amendment.

Sec. 2-20. - TH (Townhouse) district.

- (2) *Fences* . Lot fences shall be constructed of the following materials: brick, natural stone, simulated stone, architectural CMU, or ~~wrought iron~~ view fencing. A brick, natural stone, simulated stone, or architectural CMU fence shall be installed abutting single-family or two-family uses. ~~Wrought iron or an equivalent~~ view fencing material shall be installed where abutting a park, trail, or open space, in accordance with Section 8-35.

Sec. 2-22. - MF-1 (Multifamily - Low Density) district.

- (7) *Lot fencing* . A ~~wrought iron or equivalent~~ view fence in the front street yard shall be permitted to reach a height of six (6) feet.

Sec. 2-23. - MF-2 (Multifamily - Medium Density) district.

- (6) *Lot fencing* . A ~~wrought iron or equivalent~~ view fence in the front street yard shall be permitted to reach a height of six (6) feet.

Sec. 2-71. - MU-1 (Mixed-Use Historic Commercial Core) district.

- (4) *Fencing design standards.* The following standards apply to fencing in the MU-1 district, in addition to the applicable portions of Sec. 8-35:
- a. Lot fences shall be constructed of the following materials: brick, natural stone, simulated stone, or ~~wrought-iron shall be view fencing~~. Other decorative masonry materials or ~~wrought-iron view fencing~~ equivalents may be approved by the zoning administrator. Single-family uses may install new wood fencing or replace existing wood fencing with the same or similar material in accordance with subsection (d)(4)e, below.
 - b. A ~~wrought-iron or equivalent view~~ fence in the street yard shall be permitted to reach a height of six (6) feet.
 - c. Opaque fencing shall be permitted in the street yard for the purpose of screening service areas containing supplies, equipment and restrooms, subject to the approval of the zoning administrator.
 - d. Fences in all other yards shall not exceed six (6) feet.
 - e. All fences shall provide a finished face to the exterior of the property.
 - f. Decorative fencing around patios and decks may be of a material other than one specified above, but shall be approved by the zoning administrator. Galvanized steel or similar welded wire materials shall be no smaller than 14-gauge, and shall be framed on all sides with wood or metal rails and posts.

Sec. 2-72. - MU-2 (Mixed-Use Downtown Medium Density) district.

- (4) *Lot fencing design standards.* The following standards apply to fencing in the MU-2 district, in addition to the applicable standards of Sec. 8-35:
- a. Fences shall be constructed of the following materials: brick, natural stone, simulated stone, or ~~wrought iron shall be view fencing~~. Other decorative masonry materials, reinforced concrete, or ~~wrought iron view fencing~~ equivalents may be approved by the zoning administrator. Wood fencing may be permitted if deemed appropriate by the zoning administrator based on the architecture and exterior materials of the principal building. Single-family uses may install new wood fencing or replace existing wood fencing with the same or a similar material and in accordance with subsection (d)(4)b, below.
 - b. All fences shall provide a finished face to abutting single-family or townhouse uses.
 - c. Fences outside the street yard may be eight (8) feet in height to accommodate topographical changes, as approved by the zoning administrator.
 - d. ~~A wrought iron or similar transparent fence~~ View fencing in the street yard shall be permitted to reach a height of six (6) feet.
 - e. Fences shall be eight (8) feet in height where outdoor rear or side dining or patio areas associated with eating establishments and indoor entertainment uses share a common lot line with a residential use, except for multi-story apartments and upper story residential.
 - f. Decorative street yard fencing of a material other than one specified above may be approved by the zoning administrator, except that chain link fencing is prohibited.
 - g. Opaque fencing of a maximum of six (6) feet in height shall be permitted in the street yard for the purpose of screening service areas containing supplies, equipment and restrooms, subject to the approval of the zoning administrator.

Sec. 2-73. - MU-L (Mixed-Use Limited) district.

(3) *Lot fencing standards.*

- a. The following design standards apply to fencing in the MU-L district, in addition to the applicable portions of Sec. 8-35:
 1. Fences shall be constructed of the following materials: brick, natural stone, simulated stone, ~~wrought iron, or wood~~ or shall be view fencing. Other decorative masonry materials, reinforced concrete, or ~~wrought iron-view fencing~~ equivalents may be approved by the zoning administrator.
 2. ~~A wrought iron or equivalent fence~~ View fencing in the street yard shall be permitted to reach a height of six (6) feet.
 3. Fences in all other yards shall not exceed six (6) feet, except that fences may be eight (8) feet in height to accommodate topographical changes, as approved by the zoning administrator.
- b. All nonresidential uses shall be required to install and maintain a fence constructed of masonry materials such as brick, natural stone, simulated stone, decorative reinforced concrete, or other equivalent material approved by the zoning administrator, a minimum of six feet in height, along every property line which is adjacent to a residential use, except when a view fence is required in accordance with Section 8-35. The zoning administrator may waive the requirement based upon a finding of any of the following:
 1. The zoning administrator determines that due to the site plan layout and/or existing conditions, potential impacts will be negligible;
 2. The zoning administrator receives a letter from the adjacent residential property owner(s) requesting that the fence not be installed; or
 3. The zoning administrator determines that existing and/or proposed vegetation will serve as an adequate screen.

Sec. 2-74. - MU-R (Mixed-Use Redevelopment and Small Lot) district.

(4) *Lot fencing design standards* .

- a. The following standards apply to all lot fencing in the MU-R district, in addition to the applicable standards found in Sec. 8-35:
 1. Fences shall be constructed of brick, natural stone, simulated stone, or ~~wrought iron~~ shall be view fencing. Other decorative masonry materials, reinforced concrete, or ~~wrought iron-view fencing~~ equivalents may be approved by the Zoning Administrator.
 2. Fence posts shall be constructed of rust-resistant metal parts, concrete-based masonry or concrete pillars of sound structural integrity.
 3. Fence posts and fence panels shall be capped.
 4. All fences shall provide a finished face to abutting single-family or townhouse uses.
 5. All fences shall provide a finished face to abutting streets.
- b. Except when view fencing is required by Section 8-65, —~~All~~ nonresidential uses shall be required to install and maintain a fence constructed of masonry materials such as brick, natural stone, simulated stone, decorative reinforced concrete, or other equivalent material approved by the zoning administrator, a minimum of six feet in height, along every property line which is shared with a SF or TF use and is not in the street yard. The zoning administrator may waive the requirement based upon a finding of any of the following:
 1. The zoning administrator determines that due to the site plan layout and/or existing site conditions, potential impacts will be negligible;
 2. The zoning administrator receives a letter from the adjacent residential property owner(s) requesting that the fence not be installed; or
 3. The zoning administrator determines that existing and/or proposed vegetation will serve as an adequate screen.

Sec. 2-75. - MU-G (Mixed-Use Greenfield and Large Lot) district.

- (4) *Lot fencing design standards* . The following standards apply to fencing in the MU-G district, in addition to the applicable standards found in Sec. 8-35.
- a. Fences shall be constructed of brick, natural stone, simulated stone, or ~~wrought iron~~ shall be view fencing. Other decorative masonry materials, reinforced concrete, or ~~wrought iron~~ view fencing equivalents may be approved by the Zoning Administrator.

Sec. 8-65. - Outdoor storage and display.

(c) *Categories of outdoor storage and display.*

(1) *Outdoor display.*

- a. Outdoor display is display of items actively for sale.
- b. Outdoor display shall be allowed adjacent to a principal building wall and, except as provided in this subsection, extend to a distance no greater than 10 feet from the wall. Such display is prohibited to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the sidewalks.
- c. Outdoor display located more than 10 feet from the wall of a principal building shall be fenced in by a masonry, ~~wrought iron~~ view fencing or similar material fence/wall. The location and fencing of such a display shall be approved by the PDS director.
- d. Outdoor display in the OS district shall only be permitted in metropolitan and regional parks.
- e. Outdoor display in the downtown development area and in the MU-1 and MU-2 districts may be permitted in limited quantities provided it does not impede pedestrian traffic.
- f. Outdoor display in the LI district shall be limited to plants and landscape materials for sale at nurseries and similar landscaping supply establishments.