

ORDINANCE NO. 15-10

AN ORDINANCE AMENDING SECTION 17.04.270 ACCESSORY STRUCTURES AND FENCES OF THE CITY OF NORWALK ZONING ORDINANCE

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NORWALK, IOWA:

- SECTION 1.** PURPOSE. The purpose of this ordinance is to amend Section 17.04.270 Accessory Structures and Fences of the City of Norwalk Zoning Ordinance.
- SECTION 2.** AMENDMENT. Section 17.04.270 of the Zoning Ordinance is hereby deleted in its entirety and replaced with the language included in Exhibit "A" attached hereto and made a part thereof by reference.
- SECTION 3.** SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
- SECTION 4.** EFFECTIVE DATE. This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Norwalk, Iowa, on the 5th day of November, 2015.

Tom Phillips, Mayor

ATTEST:

Jodi Eddleman, City Clerk

First Reading: November 5, 2015

Second Reading: waived

Third Reading: waived

I certify that the foregoing was published as Ordinance No. 15-10 on the _____ day of _____, 2015.

Jodi Eddleman, City Clerk

ACCESSORY STRUCTURES AND FENCES

17.04.270 Accessory Buildings and Garages. No accessory building or structure and no fence or wall which exceeds six (6) feet in height shall be erected in a required yard or court, except as provided hereinafter

- A. No accessory building or structure shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used if the main building has been unused for a period of six (6) months or longer.

In any non-single or two family residential zoning district, all accessory buildings and structures shall meet the setback requirements of the principal building or structure and shall have similar architectural features and level of finish as the principal building or structure and comply with the provisions of City Code Section 17.60, Architectural Standards.

- B. Accessory Buildings in Residential Zoning Districts: In any single family residential zoning district (RE-1, R-1, R-2, R-TC) nNo accessory building shall be erected in any required yard other than a rear and side yard, except as provided hereinafter, and shall not extend past the front face of the principal building or otherwise be located between the front yard and the front of the principal building. Accessory buildings shall be at least five (5) feet from the rear yard lot line and five (5) feet from the side yard lot lines including any horizontal projections such as roof overhangs. Within the R-TC Zoning District, the side yard setback is reduced to no less than three (3) feet. On a corner lot or double frontage lot, the setback regulations for each street frontage shall apply. There shall be at least ten (10) feet of separation from a principal building and any other separate building or structure on the same lot, and at least five (5) feet from any alley line, except that, when any vehicle entrance to an accessory building faces the alley, said accessory building shall be at least twenty (20) feet from the alley line. Any accessory building with less than ten (10) feet of separation from a principal building may be permitted provided it shall meet all setback requirements of the principal building as if it were attached to and a part of the principal building. No portion or part of an accessory building may be located within the required setback. All setbacks and building separations shall be measured from the closest point of any horizontal projection including roof-overhangs.

Detached garages and accessory buildings, greater than 120 sq. ft. in size, shall be residential in character, with similar architectural features as the principal building, including roof slope, overhangs, siding and roofing material, trim detail, etc. Galvanized metal, corrugated metal, and metal panel type roofing and siding is prohibited as the exterior finish material in residential zoning districts. Metal horizontal (lap style) siding and standing seam metal roofing may be allowed if it matches that used on the principal building.

- C. Accessory buildings, except buildings housing animals or fowl, may be erected as part of the principal building or may be connected thereto by a breezeway or similar structure, provided, an accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the rear yard and shall not exceed fifteen (15) feet in height.
- D. No satellite dish antenna, antenna, or tower shall be permitted within the front or side yards or attached to the front wall or face of any building or structure, unless the property owner can adequately demonstrate to the satisfaction of the Zoning Administrator that it is not physically possible to locate the satellite dish antenna within the confines of the rear yard and obtain a satellite signal. No satellite dish antenna with a dish diameter greater than three (3) feet, or height greater than fifteen (15) feet shall be permitted in RE-1, R-1, or R-2 Districts, except by Special Use Permit. Satellite dish antennas shall be

located and screened as practical from view of all adjoining residential uses and public streets.

- E. An accessory structure which is constructed underground (such as an emergency shelter, garage, wine cellar, etc.) may be beneath the ground surface of any yard area; providing said structure shall comply with the following requirements:
1. No portion of the accessory structure shall be located less than five (5) feet, measured horizontally, from any lot line from which a minimum surface yard area is required. However, in the R-TC zoning district, the accessory structure side yard setback is reduced to no less than three (3) feet.
 2. The surface area covering the structure shall be finished in a manner natural to the landscape so as to entirely conceal the underground structure.
 3. No portion of the finished surface area above the surrounding ground elevation may exceed a two (2) foot height increase above the normal finished elevation of any required yard area.
 4. Ingress-Egress to the underground structure shall be located within the allowable surface buildable area of the lot and shall not be located in any required yard area.

17.04.280 Fences, Walls and Vision Clearance.

A. General Regulations:

1. Industrial Districts: Within the M-1 zoning district, unless otherwise specified herein, fences and walls not exceeding eight feet (8') in height are allowed within the limits of side and rear yards. Fences and walls may be allowed within the limits of the front yard if approved by the City Council either through the site plan process, or through a fence permit application submitted to the City Council for review and consideration.
2. All Other Districts: Within all zoning districts, unless otherwise specified herein, fences and walls not exceeding six feet (6') in height are allowed within the limits of side and rear yards. A fence or wall, not exceeding four feet (4') in height is allowed up to the property line within the front yard setback provided the visual clearance is maintained. In no case shall a fence taller than four feet (4') be located beyond the front building line of the principal building or structure except as noted in subsection 5 herein below.
3. Decorative Features: In all zoning districts, decorative features such as individual posts, trellises, brick or stone columns, and similar features constructed as part of a fence or wall shall be allowed to exceed the maximum fence and wall height by no more than twelve inches (12"). Pedestrian entry features which only include arbors, arched entries, arcades or finials may exceed the maximum allowable fence height in any yard subject to design review and approval of the Zoning Administrator.
4. Single Faced Fences: Single faced fences shall have their unfinished side (side with exposed posts) facing towards the property on which the fence is erected.
5. Corner Lots And Double Frontage Lots: On corner lots and double frontage lots, fences and walls not more than six feet (6') in height may be placed in a required front yard abutting a street where all the following are met:

- a. The required front yard abutting the street is used as a side yard and not as a front yard.
- b. The fence or wall maintains a minimum setback from the ultimate right-of-way of fifteen feet (15').
- c. The vision clearance area is maintained.
- d. All other requirements of this title are met.
- e. No fence or wall is permitted within a required buffer unless specifically approved by the City Council through the site plan or subdivision plat process.

B. Materials and Maintenance:

1. Allowed Materials:

- a. Fences are to be constructed of customarily used materials such as chain-link, welded wire mesh, wrought iron, aluminum, wood, polyvinyl chloride (PVC), ornamental woven wire and other similar materials, unless specified otherwise herein. Any fence considered by the Zoning Administrator to not be a standard or customarily styled or constructed fence is prohibited.
- b. The use of materials such as sheet metal, chicken wire, temporary construction fencing, snow fencing, woven wire commonly used for the penning of livestock or other animals or similar materials shall not be permitted for permanent fencing. A fence shall not be constructed or covered with: paper sheets or strips; cloth or fabric tarps, sheets, or strips; plastic or vinyl tarps, sheets, mesh, or strips; bamboo; reed; or plywood sheeting. Chain-link or woven wire type fences shall not include plastic or wood slats or strips, bamboo, or reed. Wood fences shall be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay. All fences must be of an earth tone, neutral, or natural color such as white, black, gray (silver), tan, brown, green. Bright or fluorescent colors are not permitted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on fences.
- c. An exception may be approved by the Zoning Administrator for sun and/or wind screen material applied to fences directly associated with a sports or recreation facility such as tennis court fences, baseball field fences, or basketball courts, subject to the provisions of subsection E3 of this section. An exception also may be approved by the Zoning Administrator for mesh screen material associated with a commercial or industrial site.
- d. Walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, etc. Walls constructed of weather resistant wood or manufactured substitutes may be used if brick or stone columns are incorporated and spaced no more than twenty feet (20') on center. Pictures, images, lettering, logos, graphics, or artwork are not permitted on walls unless part of an approved and permitted sign in accordance with the City's Sign Regulations.

2. Prohibited Materials: A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire,

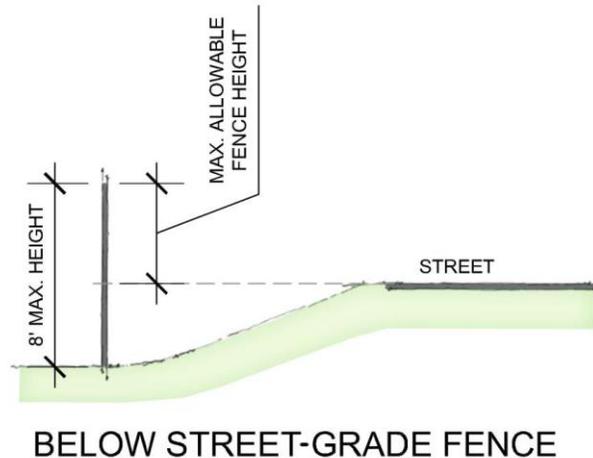
razor wire, nails, electrical charge or other similar materials shall be prohibited, unless specified otherwise herein.

3. Construction and Maintenance: All fences and walls shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting, and other acts required for maintenance. The Zoning Administrator, after 30 days of notice to the owner of the fence or wall, may order the removal of any fence or wall that is not maintained in accordance with the provisions of this code and the cost assessed against the property where said fence or wall is located. An extension of time may be granted, upon filing a verified statement that the delay is not a result of any act of the owner.

C. Measuring Fence or Wall Height:

1. The height of a fence or wall shall be determined by a measurement from the ground beneath the fence or wall as follows:
 - a. In a yard abutting a street, the total effective fence or wall height above the finished grade shall be measured on the side nearest the street. Notwithstanding, if a property or premises is lower than an adjacent street, then the height of the fence or wall shall be determined by a measurement from the street grade at a ninety degree (90°) angle from the fence or wall; provided the total vertical measurement from the ground beneath the fence or wall to the top of the fence or wall shall not exceed eight feet (8') (see Figure #1).

Figure #1



- b. In any other required yard the total effective fence or wall height above the finished grade shall be measured on the side nearest the adjacent property.
 - c. On a property line, the fence or wall height shall be measured from the finished grade of the side of the adjacent property.
2. Swales and other earth depressions up to six feet (6') wide shall not be used when measuring the fence or wall height.

3. Manmade earth berms, terraces, and retaining walls that elevate the fence or wall shall be considered a part of the fence or wall.
4. For purposes of calculating the total property or lot area occupied by accessory structures, the total area occupied by a fence or wall shall not be included in the calculation.

D. Overland Flowage Easements:

1. Fences may encroach into an overland flowage easement providing measures are taken to make certain that the fence does not restrict the water flow, cause siltation buildup, etc.
2. Permitted fence material includes chain-link, wrought iron fencing, picket style fencing that is at least thirty percent (30%) open, or other fencing styles that are at least thirty percent (30%) open.
3. Solid fencing shall be elevated a minimum of six inches (6") through the swale part of the easement to allow water flowage.
4. In no case shall a fence or wall be permitted to obstruct the natural flow and/or drainage of water.

E. Exceptions To Fence Requirements:

1. Agricultural Purposes: In the A-R zoning district, barbed wire and woven wire fencing may be allowed provided it is used to contain livestock or to protect crops and plantings. An electrified fence to contain livestock may be allowed, subject to a minimum setback of ten feet (10') from all property lines.
2. Industrial Districts: Within the M-1 zoning district, fences or walls topped with barbed wire that is not less than six (6) feet above the ground may be allowed, subject to review and approval by the City Council either through the site plan process or through a fence permit application submitted to the City Council for review and consideration.
3. Recreational Purposes: Fences associated with the uses of a sports or recreational facility or other similar area, shall not be subject to the height restrictions specified elsewhere in this section, provided that such fence is constructed to maintain a consistency of at least seventy five percent (75%) open area, allowing an unobstructed view through the fence, for the full length of the fence and does not impede the required vision clearance. Any such fence is subject to design review and approval of the Zoning Administrator.

Fences associated with an accessory tennis, basketball, or similar ball courts located on a single family residential lot (R-1 or R-2 zoning district) may be over six feet (6') but not more than 12 feet in height provided the fence is located in the rear yard and meets the setback requirements of the principal structure. Any such fence is subject to design review and approval of the Zoning Administrator.

4. Swimming Pool Enclosures: Barriers constructed for the purpose of enclosing swimming pools are subject to the requirements of the municipal building code. Fences enclosing a swimming pool may be up to eight (8) feet in height.
5. Temporary Fences: Temporary construction fences, barricades, railings, or other similar fences installed to provide temporary site security and/or safety in conjunction with construction work may be allowed in any district during periods

of construction. Any such temporary fences shall be removed upon completion of the construction work.

F. Retaining Walls:

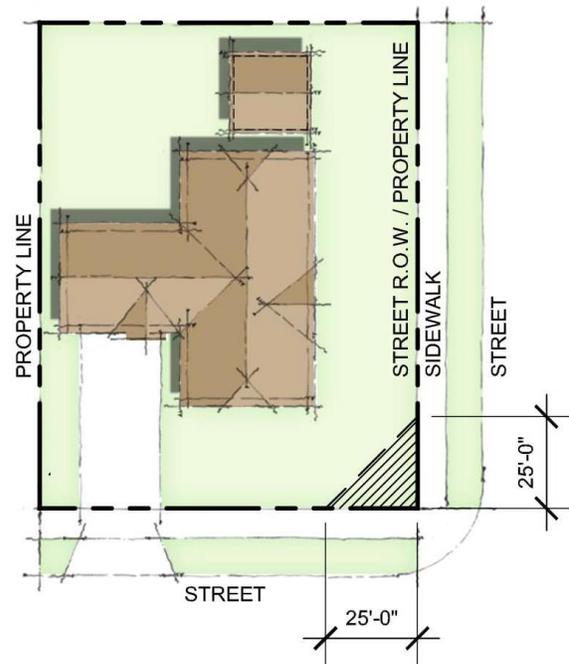
1. Retaining walls shall be set back from the property line one foot (1') for every one foot (1') of height, unless a mutual written agreement on the height and location of the retaining wall has been made with the adjoining property owner.
2. Retaining walls which are more than four feet (4') in height shall be structurally engineered. No single wall face shall be greater than six feet (6') in height without terraces to break up the wall expanse. A minimum one foot (1') of terrace shall be used for each two feet (2') of wall height. Each terrace shall contain vegetation. The design specifications, elevations and site plan showing the exact location of the wall shall be provided along with the required building permit application to the City building department.

G. Vision Clearance:

1. Intersections: On a corner lot or at the intersection of two (2) streets, public and/or private, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the area described as follows:

That area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines (see Figure #2).

Figure #2



**INTERSECTION/CORNER LOT
VISION CLEARANCE**

