

INST # 3524
RECORDING FEE 20.00
AUDITOR FEE 10
RMA FEE 10

FILED FOR RECORD
COTTAWATTAMIE CO. IA.

97 SEP -4 PM 1:30

JOHN SCIORTINO
RECORDER

PREPARED BY: City of Council Bluffs Legal Department, 209 Pearl Street, Co. Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 5333

AN ORDINANCE to amend Chapter 15.24, "Supplemental Use and Site Development Regulations", of the 1995 Municipal Code of Council Bluffs, Iowa, by repealing Section 15.24.040 "Fence regulations", and enacting a new Section 15.24.040 "Fence regulations", to allow security/barbed wire fence in C-2/General Commercial Districts if certain conditions are met.

B E I T O R D A I N E D
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 15.24 "Supplemental Use and Site Development Regulations" of the 1995 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 15.24.040 "Fence regulations" and enacting a new Section 15.24.040 "Fence regulations", to read as follows:

"15.24.040 Fence regulations. 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:

01. 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 or any other obstruction shall be placed within an equilateral triangle having sides of 35 feet each running along the edge of the pavement, or curb if present, of each abutting street. The apex of this triangle shall be at the point of the intersection of the edges of the pavement or curbs of such streets when extended out to a point.
 - (e) No fence shall be placed within 3 feet of a fire hydrant. No fence shall block visibility or access to a fire hydrant from the street.
02. General requirements for open space/recreation and industrial districts.
 - (a) A fence placed in any yard shall not exceed 8 feet in height.
 - (b) Barbed wire fences 0 to 6 feet in height are permitted in A-1 and A-2 districts for agricultural uses only.
 - (c) Security fences with sharp or pointed projections or containing barbed wire strands are allowed in the A-2, W-M and G-M Districts if placed atop a conforming fence of at least 6 feet in height.
 - (d) Electrically-charged fences located within the boundaries of a conforming fence are permitted in A-1, A-2, W-M and G-M districts for agricultural uses only.
03. General requirements for residential and commercial districts.

(a) In a front yard or a street side yard, the height of a fence shall not exceed 4 feet, unless its placement meets the setback requirements for principal and accessory structures. Exception: Ornamental iron fences located in front or street side yards may exceed 4 foot in height, but are limited to six feet in overall height.

(b) No solid fence shall be placed within a front yard or street side yard which creates a safety hazard by obstructing the clear view of pedestrians or vehicles.

(c) In an interior side yard or rear yard, the height of a fence, excepting vegetation fences, shall not exceed 6 feet. Fences in residential areas proposed to exceed 6 feet in height shall be reviewed on a case by case basis by the mayor or designee.

(d) Security fences with sharp or pointed projections or containing barbed wire strands may be permitted in a C-2 District when placed on top of an otherwise conforming fence, if the following conditions are met:

- (1) the site shall not abut any residential district; and
- (2) the use shall comply with all requirements for conforming uses and the site development regulations in a C-2 District.

04. Required fences.

(a) A fence shall be required where any conforming commercial or industrial use abuts a residential district. The fence shall be provided at the abutting side and rear property lines. A fence shall also be required for any open storage area in an industrial district which blocks all view of the storage area at or beyond the property line. The fence shall be provided by one of the following methods:

(1) a wood and/or masonry fence, at least 50% opaque, 6 feet in height;

(2) a vegetation fence capable of providing a substantially opaque barrier and attaining a height of 6 feet within 3 years of planting;

(3) a landscaped earth berm with a maximum slope of 3 to 1 vertical/horizontal, no more than 6 feet above the existing grade of the property line separating the zoning districts; or

(4) any combination of the described methods that achieves a cumulative height of 6 feet.

05. Maintenance. Upon placement of a fence, appropriate measures shall be taken by the fence owner to ensure continued maintenance.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is:

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

ORDINANCE NO. 5333

COMMITTEE

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PASSED
AND
APPROVED July 28, 1997

Thomas P. Hanafan
THOMAS P. HANAFAN Mayor

Attest: Olga Ramirez
OLGA RAMIREZ City Clerk

FIRST CONSIDERATION: June 23, 1997
SECOND CONSIDERATION: July 14, 1997
PUBLIC HEARING: July 14, 1997
THIRD CONSIDERATION: July 28, 1997

Planning Case No. ZT-97-003

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

I, JEANNETTE JOHNSON, on my oath do solemnly swear that I am the Accountant of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county;

that the annexed notice was published in said newspaper for 1 consecutive times as follows: The first publication thereof

Began on the 1 day of July, 1997

the second on the _____ day of _____, 1997

the third on the _____ day of _____, 1997

the fourth on the _____ day of _____, 1997

the fifth on the _____ day of _____, 1997

Signed in my presence by the said JEANNETTE JOHNSON and by her sworn to before me this 1 day of July, A.D. 1997.

Witness my hand and Notarial Seal.

Notary Public



Filed this _____ day of _____, A.D. 1997

Publication Fee: \$ 9.00

98- 3652