

ORDINANCE NO. 17-03

AN ORDINANCE AMENDING THE 2015 ALTA ZONING ORDINANCE, BY AMENDING SECTION 11.5 FENCES, WALL AND HEDGES

WHEREAS, the zoning ordinance on file in the office of the City Clerk designates certain standards as provided by Chapter 414, Iowa Code, and

WHEREAS, it is deemed advisable and recommended by the Planning and Zoning Commission to amend Section 11.5. Fences, Wall and Hedges of the Alta Zoning Ordinance.

NOW THEREFORE IT BE ORDAINED, by the City Council of Alta, Iowa;

Section 1. **REPEAL AND REPLACE ZONING TEXT.** The City of Alta Zoning Ordinance is hereby amended by repealing **Section 11.5. Fences, Walls and Hedges** and replace it with a new Section 11.5 Fences, Walls and Hedges as follows.

Section 11.5. FENCES, WALLS AND HEDGES.

1. Fences and hedges shall not exceed more than four feet (4') in height in any required front yard, subject to further restrictions listed in Section 11.3.6 above.
2. All fences shall not exceed seven feet (7') in height in any required side or rear yards, subject to further restrictions herein.
3. Fences in excess of seven feet (7') will be allowed in the cases of tennis courts and swimming pools. Private swimming pools requiring or using a filtration unit in any residential district shall be completely surrounded by a fence or wall not less than six feet (6') in height and at least four feet (4') from each side of the pool. Such fence or wall shall be non-climbable and constructed sufficiently strong and of such structural design as to make the pool inaccessible to small children.
4. Only non-maintenance free fencing materials will be permitted to be placed up to the side and rear lot lines running the entire length or width of the lot, but only with the express written permission of the adjacent property owner(s) and the zoning administrator. In the event the permission of the adjoining property owner is not obtained, all fences, walls, and hedges shall be located no closer than three feet (3') from any side or rear lot line. All other fences (including maintenance free fencing), walls or hedges shall be located no closer than three feet (3') from the side and rear property lines. All fencing shall maintain a minimum of a three feet (3') setback from the front property line only. All fencing placed on properties where the rear yard abuts an alley or any other public right-of-way will be required to maintain a nine feet (9') setback along the rear lot line.
5. All fences shall be subject to a completed and approved zoning permit.
6. It shall be the responsibility of the property owner or applicant to locate property pins or legal property lines when placing any fence. The City of Alta will not be responsible for locating any property lines for fencing.
7. Determining the maximum height for fences and walls shall be made by measuring from the natural grade of the lot adjacent to the fence to the top of the finished fence structure.
8. In the case of retaining walls and supporting embankments, the above height requirements shall apply only to that part of the wall above the ground surface of the retained land.
9. If one side of the fence is considered less attractive because of structural members, etc., the less

desirable side of the fence shall be directed toward the developing property or away from the public thoroughfare. In all cases, access shall be provided to the unenclosed property or Right of Ways for maintenance purposes.

10. Fences in side and rear yards shall have at least one (1) access point, to allow for access for public safety and utility purposes.
11. It shall be unlawful for a person to use barbed wire to enclose any land within the city limits without the consent of the city council.
12. It is the responsibility of the property owner to locate all easements on their property prior to constructing or placing a fence. Said fence construction over any easement requires the express written permission of the city. The city may remove such fence at any time for necessary relocation or repairs of city utilities; and replacement of said fence shall be at the expense of the property owner.
13. Garden fences are exempt from zoning regulations except that no garden fence shall create a traffic or pedestrian hazard, and no garden fences shall be permitted within the front yard.
14. Disputes between two adjacent property owners concerning plantings, trees, bushes or hedges obstructing views, sunlight or air shall be considered a civil matter between parties and shall be resolved in a court of law as a civil proceeding.

Section 2. REPEALER. All ordinances or parts of the previously adopted Alta Zoning Ordinance in conflict with the provisions of this zoning amendment are hereby repealed.

Section 3. SEVERABILITY CLAUSE. If any section, provision or any part of this zoning amendment is determined to be invalid or unconstitutional, such adjudication shall not affect the validity of the previously adopted Alta Zoning Ordinance as a whole.

Section 4. EFFECTIVE DATE. This zoning amendment shall be in full force and effect from after passage and publication in a newspaper of general circulation.

Passed and approved this 4th day of December, 2017.

Mayor, City of Alta

Attest:

Alta City Clerk

I certify the foregoing was published as Ordinance No. 17-03 on the 8th day of Dec., 2017.

(signed)