# CITY OF WEST DES MOINES
# STAFF REPORT COMMUNICATION

**Meeting Date:** October 17, 2022

**ITEM:** 9126 S 91st Court – Approval to allow fence to be located within a landscape buffer – Custom Holdings, LLC – MI-005806-2022

**Resolution: Approval to allow a fence in landscape buffer**

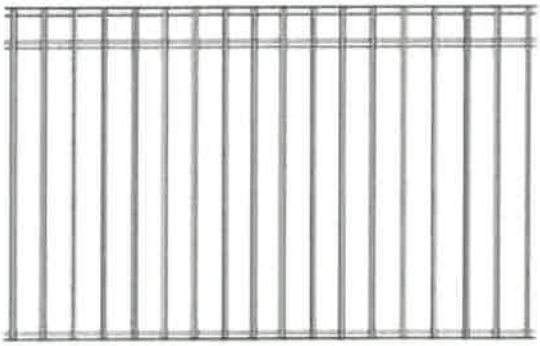
**Background:** The property owner of 9126 S 91st Court, Custom Holdings, LLC, submitted a building permit application to install a six-foot (6') ornamental fence in the rear and a five-foot (5') chain-link fence on the sides of the property. The property owner proposes to install the fence within a thirty-foot (30') landscape buffer located at the rear of her property adjacent to Mills Civic Parkway.

**Staff Review & Comment:**

- *History*: Over the years the City has received many requests such as this for installation of fences along the rear property lines of single-family residential homes which abuts a street (generally double frontage lots). The requests are a combination of wanting privacy, but also to contain children and pets and overall property security. City practice has been to not allow fences within street side buffers due to the alley effect that can be created by solid fencing, the visual clutter of potentially hodge-podge of fence designs, materials and colors and due to the desire for visibility of vegetation required within the buffer that provides green to the city and softens hard material expanses of pavement.

  On April 5, 2021, the City Council approved an overhaul to the City's fence regulations stated within code. These new regulations included a provision to accommodate the placement of a uniform fence within street side buffers. Through discussions with the City Attorney's office, it was determined that the allowance of certain types of fences within buffers could be accommodated within the standard buffer easement language as long as the associated final plat does not include a note on the plat drawing specifically restricting the buffer as 'no-build/no-structures' which is interpreted to include prohibition on fences.

  The new regulations allow up to a maximum six-foot (6') metal ornamental fence along the public side of a buffer (street side), substantially similar to that as shown below. This basic 3-rail design was chosen in part for its simplicity, but also due to the fact that all fence companies in the Metro carry a version of it. The regulations go on to state that "the intent of this allowance is to allow fencing while controlling the visual clutter that can result in varying fence designs and materials. Therefore, for visual consistency, the same fence shall be installed for the length of the block." The regulations provide that the first fence installed within the block shall determine the design and color of the fence. An ornamental fence of this design has already been installed on the property immediately to the east of this property (9114 S. 91st Street).



THREE RAIL
FLAT TOP

- *Property Owner's Request*: The property owner of 9126 S 91st Ct is requesting a black six-foot (6') fence of a design substantially similar to that illustrated above. The plat associated with this property and adjacent lots do not have any restrictions for placement of fencing.

**Outstanding Issues:** There are no outstanding issues.

**Recommendation:** The City Council allow a fence to be constructed on the street side of the buffer located on 9126 S 91st Court consistent with city code.

**Lead Staff Member: Brian Portz**

**Approval Meeting Dates:**

| | |
|---|---|
| Plan and Zoning Commission | n/a |
| City Council | October 17, 2022 |

**Staff Report Reviews:**

| | | |
|---|---|---|
| City Council | ☒ Director | ☒ Legal Department |
| | ☐ Appropriations/Finance | ☐ Agenda Acceptance |

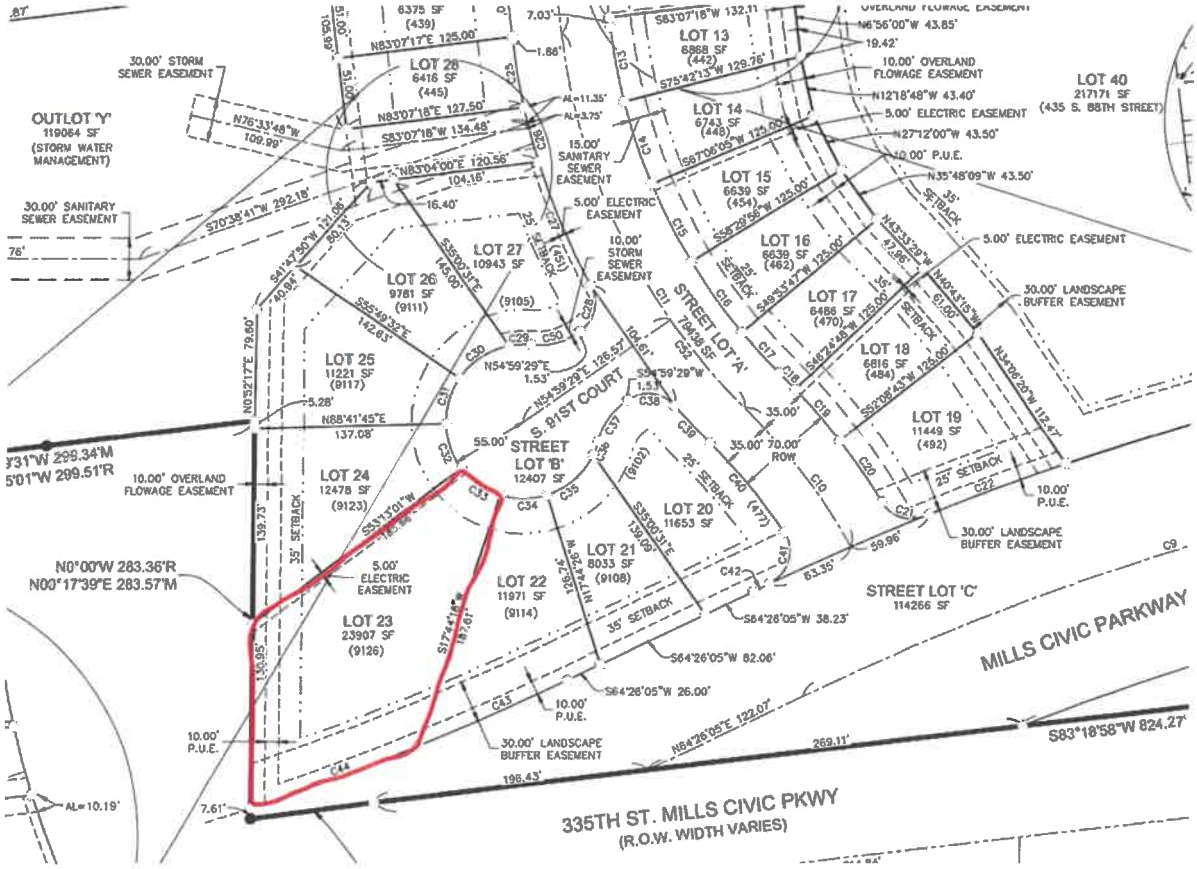
**Publications (if applicable)**

| | |
|---|---|
| Published In: | Des Moines Register Community Section |
| Date(s) Published | n/a |
| Date(s) of Mailed Notices | n/a |

**Council Subcommittee Review (if applicable)**

| | |
|---|---|
| Committee | Development & Planning |
| Date Reviewed | n/a |
| Recommendation | ☐ Yes ☐ No ☐ Split |

# Location Map & Final Plat Illustration



Prepared by: Brian Portz, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

# RESOLUTION

## A RESOLUTION APPROVING THE INSTALLATION OF A FENCE ON THE STREET-SIDE OF THE THIRTY FOOT (30') LANDSCAPE BUFFER

**WHEREAS,** Title 9, Chapter 19, Section 8 of the City Code allows the City Council to approve up to a maximum six foot (6') metal ornamental fence along the public side of a buffer (street side), as long as the associated final plat does not specifically restrict fences within a buffer; and

**WHEREAS,** the Cedar Ridge Plat 2 final plat does not specifically prohibit fences within the thirty-foot (30') landscape buffer which is located at the rear of 9126 S 91st Court; and

**WHEREAS,** the fence to be installed on the property will be a black, six-foot (6') metal (wrought iron in appearance) fence of a design substantially similar to the example image within Title 9, Chapter 19, Section 8 of the City Code.

**NOW, THEREFORE,** the City Council does approve the installation of a fence within the thirty-foot (30') landscape buffer at the rear of 9126 S 91st Court.

**PASSED AND ADOPTED** on October 17, 2022.

_____
Russ Trimble, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on October 17, 2022, by the following vote.