Legislation Details (With Text)

File #:	32294	**Version:**	1	**Name:**	Screening fences and hedges
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File created:	11/22/2013			**In control:**	PLAN COMMISSION
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Title: Amending Sections 28.142(9) and (11), Section 28.151 and Section 28.211 of the Madison General Ordinances to create a definition for “screening fence” and “screening hedge” and amend related rules.

Sponsors: Scott J. Resnick, Ledell Zellers

Indexes:

Code sections:

Attachments: 1. Staff Comments.pdf

Date	Ver.	Action By	Action	Result
1/7/2014	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
12/16/2013	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
12/3/2013	1	COMMON COUNCIL	Referred for Public Hearing	
11/22/2013	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No appropriation is required.

Title

Amending Sections 28.142(9) and (11), Section 28.151 and Section 28.211 of the Madison General Ordinances to create a definition for “screening fence” and “screening hedge” and amend related rules.

Body

DRAFTER'S ANALYSIS: A previous amendment to Sec. 28.142(11) changed the wording to regulate “solid” fences and hedges. Upon further review, staff have determined that a definition for “screening fence” and “screening hedge“ is also needed. This amendment incorporates that definition, and clarifies the rules related to each type of fence. In addition, it changes the definition of “fence” to include structures made of brick and stone, which allows for the word “wall” to be removed from sub (11).

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The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (9) entitled “Screening of Other Site Elements” of Section 28.142 entitled “Landscaping and Screening Requirements” of the Madison General Ordinances is amended to read as follows:

“(9) Screening of Other Site Elements.
The following site elements shall be screened in compatibility with the design elements, materials and colors used elsewhere on the site, as follows:

(a) Refuse Disposal Areas. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than ~~seven~~ eight (~~7~~8) feet.

(b) Outdoor Storage Areas. Outdoor storage areas shall be screened from abutting residential uses with a ~~by a~~ building wall or solid, commercial-grade wood fence, wall, year-round hedge,

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or equivalent material, with a minimum height of six (6) feet and not greater than ~~seven~~ eight (~~7~~8) feet. Screening along district boundaries, where present, may provide all or part of the required screening.

(c) Loading Areas. Loading areas shall be screened from abutting residential uses and from street view to the extent feasible by a building wall or solid, commercial-grade wood fence, or equivalent material, with a minimum height of six (6) feet and not greater than ~~seven~~ eight (~~7~~8) feet. Screening along district boundaries, where present, may provide all or part of the required screening.

(d) Mechanical Equipment. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district, as viewed from six (6) feet above ground level. Screening may consist of a building wall or fence and/or landscaping as approved by the Zoning Administrator."

2. Subsection (11) entitled "Fences, Walls and Hedges" of Section 28.142 entitled "Landscaping and Screening Requirements" of the Madison General Ordinances is amended to read as follows:

(11) Fences, ~~Walls~~ and Hedges.

Fences, ~~walls~~ and hedges may be erected, placed, or maintained in any yard along or adjacent to a lot line in accordance with the requirements identified in this section. The owner shall be responsible for properly locating all property lines before construction or installation of any fence or hedge.

(a) Height in Residential Districts.

1. The maximum height of a ~~solid~~ screening fence or ~~solid~~ screening hedge within required interior side and rear setbacks in a residential zoning district shall not exceed six (6) feet. An ornamental fence or ornamental hedge may exceed six (6) feet in height. A ~~solid~~ screening fence or ~~solid~~ screening hedge of up to eight (8) feet in height may be ~~constructed~~ placed on a district boundary line between a residential district and a mixed-use, commercial or employment district, or where adjacent to a public utility or public service use.

2. Screening ~~F~~fences around pools shall not exceed eight (8) feet.

3. Screening fences within the building envelope shall not exceed eight (8) feet.

~~3~~4. The maximum height of a ~~solid~~ screening fence or ~~solid~~ screening hedge within a required front or ~~corner~~ street side yard setback shall not exceed four (4) feet~~, except that a fence or hedge of up to six (6) feet may be located within a corner side yard setback behind the rear plane of the principal building. Solid fences exceeding four (4) feet in height shall be set back a minimum of four (4) feet from the sidewalk.~~ in height with the following exceptions:

a. ~~Such front yard or corner side yard fences may be increased to a maximum height of five (5) feet if open, decorative, ornamental fencing materials that are less than fifty percent (50%) opaque are used or to a maximum height of six (6) feet if open, decorative, ornamental fencing materials that are less than twenty (20) percent (20%) opaque are used~~ A screening fence or screening hedge of up to six (6) feet in height may be placed within a street side yard setback behind the rear plane of the principal building.

b. The height of a screening fence or screening hedge within a street side yard setback may be increased to a maximum of six (6) feet in height if it is set back a minimum of four (4) feet from the street side yard property line.

5. The maximum height of an ornamental fence located in a front yard is five (5) feet if the fence is less than fifty percent (50%) opaque, and six (6) feet if the fence is less than twenty percent (20%) opaque.

(b) Height in Mixed-Use or Nonresidential Zoning Districts. The maximum height of a ~~solid~~ screening fence~~, solid~~ or screening hedge ~~or wall~~ shall not exceed eight (8) feet except in required front or ~~corner~~ street side yard setbacks where the maximum height of a ~~solid~~ screening fence~~, solid~~ or screening hedge ~~or wall~~ shall not exceed ~~three~~ four (~~3~~4) feet.

(c) Height Measurement. Fence or hedge height shall be measured from natural or approved grade. In the case of grade separation, such as the division of properties by a retaining wall,

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fence or hedge height shall be determined based on measurement from the average point between highest and lowest grade. If the fence or hedge is set back from the retaining wall by a distance of at least four (4) feet, the ~~fence~~ height shall be measured from the base of the fence or hedge. Berms and retaining walls shall not be used to increase grade relative to screening height.

(d) Fences or ~~walls~~ hedges shall comply with the vision clearance triangle requirements of Subsection 27.05(2)(bb).

(e) Fences ~~and walls~~ located in the front or street side yard setback areas must be made of materials such as wood, ornamental metal, brick, vinyl-coated chain link or stone. Uncoated chain link fences may be used in interior side or rear yards.

(f) Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for a time period consistent with an approved building permit or up to one hundred eighty (180) consecutive days per calendar year."

3. Subdivision (c) of the Subsection entitled "Outdoor Storage" of Section 28.151 entitled "Applicability" of the Madison General Ordinances is amended to read as follows:

"(c) Outdoor storage shall be screened from abutting residential uses with a building wall or solid, commercial-grade fencing, wall, evergreen hedge, or equivalent material. All screening shall be at least six (6) feet in height and no more than ~~seven~~ eight (~~7~~8) feet in height. Screening along district boundaries, where present, may provide all or part of the required screening."

4. Section 28.211 entitled "Definitions" of the Madison General Ordinances is amended by amending herein the following:

"Fence. A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, brick, stone or other manufactured material or combination of materials erected to enclose, screen or separate areas. Structures designed to enclose recreational facilities, such as tennis courts or backstops, shall not be considered fences.

Fence, Screening. A fence that is more than fifty percent (50%) opaque.

Hedge, Screening. A hedge that is more than fifty percent (50%) opaque.

Screening. A hedge, wall or fence to provide a visual separator and physical barrier ~~not less than four (4) feet nor more than six (6) feet in height, unless otherwise provided for in this ordinance~~. Screening is typically used to conceal or shield site elements such as refuse disposal areas, outdoor storage areas, loading areas, mechanical equipment, district boundaries or similar features."

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