

## Information Item

**Date:** August 27, 2018

**To:** The City Manager

**From:** Angela I. Carmon, City Attorney

**Subject:**  
Revisions to Proposed Fence Ordinance

**Strategic Focus Area:** Livable Neighborhoods

**Strategic Objective:** Improve Character and Condition of Neighborhoods

**Strategic Plan Action Item:** No

**Key Work Item:** No



Attached for your consideration is the current iteration of the proposed fence ordinance. This memorandum serves to highlight the most recent revisions to the ordinance.

*Not Applicable Within Historic Districts, Historic Overlay Districts, and Local Historic Landmarks - Section 1.11.3(E)*

The proposed ordinance now makes it clear that it is not applicable to a fence constructed within a Historic District, Historic Overlay District, or Local Historic Landmark property.

*Cinder Block Prohibited - Section 1.11.5(C)*

At the request of Councilmember MacIntosh, the proposed ordinance now prohibits fences/walls made with concrete masonry units (cinder block), and provides an exception for decorative masonry units such as split-face block. The City of Raleigh has a similar provision prohibiting standard concrete masonry units.

*Finished Sides of Fences Must Face Adjoining Properties on All Sides - Section 1.11.6*

At the request of Councilmember Larson, the proposed ordinance now requires that the finished side of a fence faces adjoining property. This requirement would apply to all sides of the property as opposed to only the sides of properties facing public rights of way. Planning Staff has identified concerns with expanding this requirement to all sides of a property. This ordinance was proposed to address and alleviate detrimental effects of certain fences along public rights of way. This new requirement would go beyond said objectives and add an additional burden on property owners in several respects. Such a new requirement would create a considerable amount of nonconforming fences that would need to be removed. Moreover, if two adjoining neighbors mutually decide to build a fence to separate their properties, there would now be issues regarding how to decide who gets the finished side. There could also be situations, such as a residence next to a motor vehicle repair shop, which would not warrant the finished side facing such an adjoining property. Planning Staff would encourage further consideration of limiting this requirement only to fences along public rights of way.

Should you have any questions, please feel free to contact us.