

City Council – Action Request Form

Date: February 12, 2019

To: The City Manager

From: Angela I. Carmon, City Attorney

Council Action Requested:

Ordinance Revising Chapter B of the Unified Development Ordinances to Regulate Residential Fences and Walls in Front Yards on Property With a Residential Building That is a Single Family Home, Duplex, Twin Home, Triplex, Quadraplex, or Townhouse

Strategic Focus Area: Livable Neighborhoods

Strategic Objective: Improve Character and Condition of Neighborhoods

Strategic Plan Action Item: No

Key Work Item: No



Summary of Information:

Attached for your consideration is the current iteration of the proposed fence ordinance. This memorandum serves to highlight the most recent revisions to the proposed ordinance. The revisions simplify and clarify the proposed ordinance as follows:

- The ordinance now specifically references both fences and walls, to make it clear that it is applicable to both.
- The purpose and intent of the ordinance is to regulate fences and walls in front yards (within any portion of a front yard lying between the street frontage of the lot and the principal structure). Accordingly, the provision addressing the finished side of a fence/wall is now only applicable to portions of fences/walls in front yards rather than the entire lot.
- The ordinance no longer contains a provision wherein the zoning officer can grant exemptions to the height limitations set forth in the ordinance.
- The exemption for masonry boundary walls now requires that the wall be built entirely of masonry, rather than merely having a masonry component.
- The amortization period for removal of nonconforming fences is now six months.

Committee Action:

Committee	<u>CDHGG 2/12/19</u>	Action	<u>Forwarded to Planning Board</u>
For	<u>Council Member Adams, Council Member Clark, Council Member Besse</u>	Against	<u>None; Abstaining: Council Member Scippio</u>

Remarks:

With regard to enforcement of the ordinance, the Inspections Division of the Planning & Development Services Department notes that there is no inventory of fences that are non-compliant with the proposed standards and as such, enforcement of the ordinance would take place on a complaint-driven basis. Moreover, it is noted that there are no new permitting requirements imposed on property owners aside from what is currently required of them via the State Building Code.