



MEMORANDUM

TO: Ordinance Revisions Committee
FROM: Alexis DiLeo, Principal Planner, and Julia Shake, Associate Planner
DATE: August 27, 2024
SUBJECT: Ordinance Revisions related to Fences (Section 5.26)

Introduction

Staff presents ordinance revisions related to fence regulations provided in Section 5.26. After considering simplifying the regulations for fences in residential districts, and applying prohibitions on spikes and barbed wire to residential districts, staff propose fully rewriting the section for simplicity and clarity.

Proposed Amendments

Proposed changes to regulations include:

- a. Applying prohibitions on “spikes, nails, barbs (including barb wire), or other pointed instruments, or any cleaved selvages or any sharp points on wire fences that have not been removed or bent to eliminate any sharp extrusions” to fences in residential districts.
- b. Applying prohibitions on fences “charged or connected to an electrical current” in residential districts.
- c. Adding a general requirement, clarifying that fences may be located anywhere on a lot including abutting a lot line.
- d. Increasing the maximum opacity permitted in the side yard of residential districts from 80% to 100% (solid construction).
- e. Decreasing the maximum height permitted beyond the required front setback line of nonresidential districts from equal to the height of the district to 12 feet.

Proposed reorganization includes:

- a. Combining residential and nonresidential standards.
- b. Identifying general standards from height and opacity standards.
- c. Providing height and opacity standards in a table.

Comments

- By having only two opacity standards in residential districts, the requirements are easier to understand and apply.
- Applying prohibitions on barbed wire and electric fences to residential districts closes a loophole.

- Reducing the maximum height in nonresidential districts in the side and rear yards better aligns with community values.
- The reorganized section is easier for customers to understand and apply.

Attached: Section 5.26 Fences (current, 9th Edition)
Conceptual Draft Section 5.26 Fences

Section 5.26 Fences (current, 9th Edition)

5.26 Fences

5.26.1 Applicability

- A. All permanent *fences* shall be subject to the requirement of this Section 5.26 .
- B. Temporary construction fences and fences required for protection around *excavation* shall comply with Article 13 of the City Construction Code. Such fences shall not be maintained for a period greater than a year without special approval of the Zoning Board of Appeals.

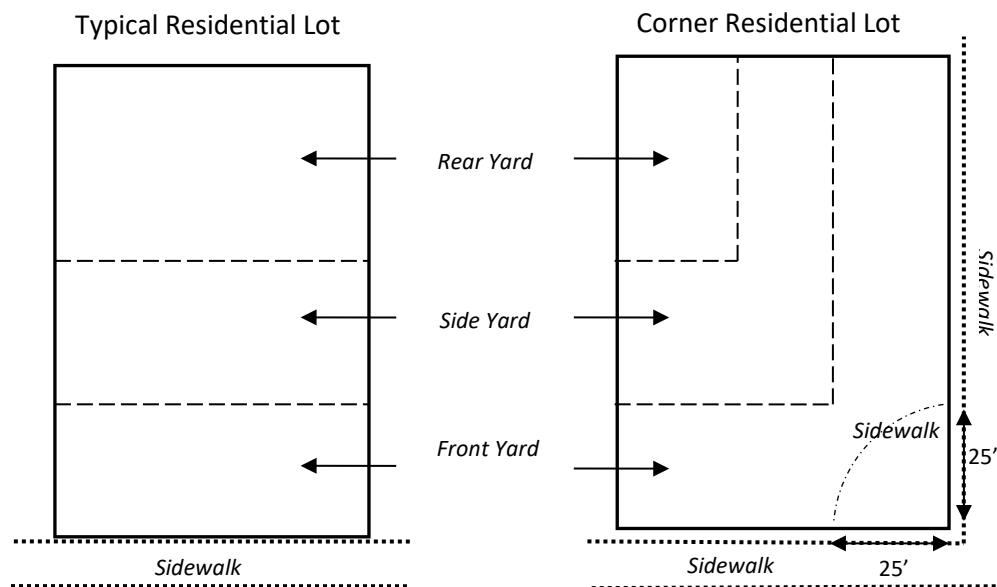
5.26.2 Standards

A. Residential Zoning Districts

Fences located in Residential Zoning Districts (See also figure below):

1. Shall not exceed four feet in height and 50% *opacity* in the *front yard*.
2. Shall not exceed six feet in height and 80% *opacity* in the *side yard*.
3. Shall not exceed eight feet in height in the *rear yard*.

Figure 26-1: Residential Zoning Districts - Height and Opacity Standard



Ordinance No. ORD-20-34, February 14, 2021.

B. Nonresidential Zoning Districts

Fences located in Nonresidential Zoning Districts:

1. Shall not exceed 12 feet in the *front required setback area*, or exceed the maximum height limit for the zoning district in which the *fence* is located outside of the *front required setback area*.

2. Shall have no restriction as to solid matter or closed construction.
 3. Shall not be charged or connected to an electrical current.
 4. Shall not contain spikes, nails, barbs (including barb wire), or other pointed instruments, or any cleaved selvages or any sharp points on wire *fences* that have not been removed or bent to eliminate any sharp extrusions.
- C. All *fences* located within 25 feet of the intersection of two or more Street *lot lines* where the minimum *front required setback* of the zoning district in which the *lot* is located is greater than none shall not be higher than 30 inches above the Sidewalk grade.
- D. In determining the maximum height of a *fence* that separates two adjoining *lots* and runs within two feet of the *lot line*, the maximum height at any point shall be determined from the highest grade within two feet on either side of the *lot line*.

5.26.3 Maintenance

Fences shall be maintained so as not to endanger life or property. Any *fence* which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance.

Conceptual Draft Section 5.26 Fences

5.26.1 Applicability

- A. All permanent *fences* shall be subject to the requirements of this Section 5.26 .
- B. Temporary construction fences and fences required for protection around *excavation* shall comply with Article 13 of the City Construction Code. Such fences shall not be maintained for a period greater than a year without special approval of the Zoning Board of Appeals.

5.26.2 Standards

A. General

- 1. Fences may be located anywhere on a lot including abutting a lot line.
- 2. Fences shall not contain spikes, nails, barbs or barbed wire, or other pointed instruments or any cleaved selvages or any sharp points that have not been removed or bent.
- 3. Fences shall not be charged or connected to an electrical current.
- 4. In determining the maximum height of a *fence* that separates two adjoining *lots* and runs within two feet of the *lot line*, the maximum height at any point shall be determined from the highest grade within two feet on either side of the *lot line*.

B. Height and Opacity

	Residential Districts			Mixed-Use, Nonresidential and Special Purpose Districts
	Front Yard	Side Yard	Rear Yard	
Maximum Height	4 feet, except on corner lots, fence height limited to 30 inches within 25 feet of the intersecting front lot lines	6 feet	8 feet	12 feet
Maximum Opacity	50%	100%	100%	100%

5.26.3 Maintenance

Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance.