



CITY OF DISTRICT HEIGHTS

City Meeting

Thursday, February 1, 2024

Action Item 5

Title: Ordinance Introduction: DH-2024-02 "Fences"
Staff Contact: Ronald Tarpley, Police Chief
David Street, City Manager
Purpose: To introduce new ordinance DH-2024-02 "Fences."

Summary: Prior to the August recess, the City Commission requested an overview of the City's fence ordinance. This item is designed to provide an overview of fencing regulations and present the Commission with options. The City's fencing regulations are largely incorporated by reference in the ordinances. Incorporation by reference is a method whereby a regulation printed in one code or standard is allowed to be used in another; incorporation by reference makes provisions of another document part of that regulation by reference to the other document and is a common practice across governments.

Historically, District Heights used Building Officials and Code Administrators International (BOCA) standards. Recently, the state changed their reference from BOCA to IBC and as such the City must be updated to International Building Code (IBC) standards as a part of the recodification process. It is important to understand the difference between the historical District Heights standard and the standard found in the IBC.

In October 2023, the City Commission discussed fencing regulations and generally agreed upon the following points:

- A desire for consistency with the County's four-foot height limit for fences;
- Agreement that a permit should still be required;
- Agreement that the City staff could review and approve fences that exceed the four-foot height limit if certain criteria were met.

Staff have redrafted the City's fence ordinance to accomplish the Commission's goals. The redrafted ordinance can be found as attachment 1. The redrafted ordinance features several potential improvements over the original:

- Terms are clearly defined in new Section 2.
- The provisions for prohibited materials is expanded to state: "In no event shall a fence be constructed of barbed wire, electrically charged material, or other hazardous material."
- New standards are set for the administrative approval of fences exceeding the four-foot height requirement; the standards also provide for full privacy fences under certain circumstances:
 - The proposed fence must use materials, colors and other architectural selections that are visually consistent with the surrounding built environment.

- If the subject lot abuts an alley, the portion of the fence that directly abuts the alley shall be constructed such that at least fifty percent (50%) of the available light and air can pass through, or, the spaces between the slats, planks, boards, balusters or pickets must equal or exceed the width of the slats, planks, boards, balusters or pickets used.
- Abutting property owners are required to be notified of the permit application for a permit to exceed the height requirement by certified mail and have seven (7) days to comment on the application.
- A final inspection must be performed prior to issuance of the permit.

Alternatives:

1. The City Commission may introduce the ordinance, found as attachment 1, as drafted for action.
2. The City Commission may offer amendments to the ordinance and direct staff to return to the City Commission with further edits prior to introduction.

Fiscal Impact: There is no fiscal impact to amending the City’s fencing requirements, however, altering the permit requirement could have a fiscal impact depending on if the Commission retains the permitting process, where permitting fees are set, etc.

Draft Motion:

I, Commissioner _____ move that the City Commission introduce Ordinance DH-2024-02 “Fences” as provided in Attachment 1 and forward the ordinance to a future City Meeting for action.

I, Commissioner _____ second the motion.

Attachment:

1. DH-2024-02 “Fences”