



STAFF REPORT ON PROPOSED LEGISLATION

To: Mayor Gavin Buckley

From: Michael Mallinoff, City Manager

Date: January 22, 2025

Subject: O-29-24: Fence Permit Requirements Related to Buildings and Construction Standards in Title 17; and O-30-24: Fence Permit Requirements Related to Use and Development Standards in the City Zoning Code, Title 21

Purpose of legislation

The purpose of O-29-24 (and its two amendments) is to require a permit to remove a fence of a certain length; to require that permit applications show the location of trees over five inches in diameter at breast height; to mandate that the Director of Planning and Zoning impose a stop work order during any appeal of a fence application; to require that an applicant for a fence begin installing that fence within 30 days and complete it within 120 days; to instruct the Building Board of Appeals that it must not veer from “plainly written meaning and intension” of the Code when considering fence applications and to require that body to recommend when the Code needs to be clarified; and to mandate that the Board of Building Appeals reverse or modify a decision on a fence application it finds such decision was made in error (currently the Code authorizes the Board to do this, but does not mandate that the Board take these actions).

The purpose of O-30-24 is to modify Title 21 to prohibit property owners from installing privacy fences on their wooded lots if their houses are positioned 50 feet or more from the fence, and to set forth those things that could constitutes an undue obstruction of light and air created by a proposed fence.

Impact of legislation on operations

As of December 1, 2024 the Department of Planning and Zoning processed 189 fence applications and issued 174 fence permits in 2024. We anticipate the legislation, consisting of both O-30-24 and O-29-24, will add 1/2 hour to fence plan/permit reviews and necessitate site visits (by junior staff personnel) for an estimated 25% of applications. The impact will be greater if the legislation prompts appeals and enforcement actions which are addressed in the wording of the two bills, though this is not estimated here.

The legislation will also necessitate more site visits by staff, taking staff from other tasks, and generally increase the time plan review and administrative assistance staff spend on fence applications. The legislation will likely result in staff rejecting more applications for lack of information and will certainly require staff to insist that applicants for fences submit higher quality and detailed plans and even professionally prepared applications in some instances. We expect that fence applicants will need to invest more time and resources on their applications.

The impact to operations will be greater if the legislation prompts appeals and enforcement actions which are addressed in the wording of the two bills, though these additional costs are not estimated here.

Prepared by Christopher Jakubiak, Planning Director