

BOARD OF ALDERMEN

ITEM NO. D(5)

AGENDA ITEM ABSTRACT

MEETING DATE: January 22, 2013

TITLE: Review of Regulations Relating to Fences

DEPARTMENT: Planning	PUBLIC HEARING: YES ___ NO_X_
ATTACHMENTS: A. Resolution B. Staff Memo C. Excerpts from Section 15-83.3 and 15-184 of the LUO	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Christina Moon – 918-7325

PURPOSE

The purpose of this agenda item is to provide the Board of Aldermen with a review of existing regulations pertaining to the construction of fences and to consider if text amendments to modify these regulations may be warranted.

INFORMATION

In November of 2011, the Town received an inquiry from Allen Spalt regarding a fence constructed by his neighbor which faced the front of the Spalt house. Staff responded with information regarding the permit requirements for the neighboring property, including the issuance of a zoning permit for a deck addition. Staff further reported that the fence in question did not meet the definition of a “building” as described in Section 15-184 (a)(3)(b) of the Land Use Ordinance (LUO), and was therefore not subject to the provisions of the LUO regarding setbacks. Mr. Spalt requested that the Town to revisit its regulations related to fences.

The Board spent several meetings during the 1990s discussing fences, and amended the Land Use Ordinance (LUO) to provide for fencing along public rights-of-way on the rear side of double-front lots, and to prohibit gated communities. The issues identified by Mr. Spalt relate to more recent interests gardening and urban farming and the need for utilitarian fencing as a measure for keeping deer out—a matter not previously considered.

A brief summary of the existing provisions in the LUO is provided in a staff memo (Attachment B). Should the Board wish to pursue amendments to clarify or further regulate fences, consideration should be given to the most recent amendments in Section 15-83.3, Covenants May Not Prohibit Devices that Generate or Conserve Energy or Water, which specifically lists garden fences as one of the technological device designed to generate or conserve energy for which the Town supports.

FISCAL AND STAFF IMPACT

There is no fiscal impact related to the discussion of this item. Costs are associated with public hearings and for staff time, should the Board wish to pursue text amendments.

RECOMMENDATION

Staff recommends that the Board of Aldermen consider the resolution in *Attachment A*, receiving the report, deliberating whether text amendments are appropriate, and if so, directing staff to prepare amendments for a public hearing in 2013.