



**Memorandum**

**Meeting Details:** Planning Commission, May 06, 2024

**Prepared For:** Planning Commission

**From:** Community Development Department

**Subject** Potential Fence Code Amendments

**Background:** The lack of details in the fence section of the Madeira Beach Land Development Regulations (LDRs) has caused confusion and frustration for various homeowners, contractors, city staff, and applicants attempting to obtain a fence permit. Some of these issues include many common prefabricated open fence types not meeting current open fence sizing and spacing requirements, fencing requirements in other code sections not being referenced in the fence division, and a lack of clear black-and-white guidance when it comes to fences. The current code is also silent on some fence types such as temporary construction fencing and split rail fences. While this section of the code already has a definition for “building line” as being established by the primary structure setback, this definition is not referenced at all in this code. Due to not being referenced, the lack of a clear definition of where the side, rear, and front yards begin, when determining height, city staff is forced to interpret it as the building line of the primary structure that exists at the time of permitting. Because of this, applicants whose structures do not extend as far as the minimum setback requirements are penalized, applicants with nonconforming structures built beyond the setbacks are rewarded and fence lines are inconsistent from property to property within the same zoning district. As a result, some applicants have had their neighbors apply for their fence permits to extend further than they typically would be able to.

**Discussion:** The proposed ordinance (attached) has been reviewed by community development staff several times over the past couple of months. This proposed ordinance has not yet been brought to the attention of the city attorney or to any public meetings or workshops. City staff is simply seeking the opinions and input from the Board of Commissioners at this time.

The proposed amendments incorporate all the above-discussed issues and improvements city staff noticed and recommend amending or adding to the current fence code except for the allowance of split rail style fencing which the code does not address. A split rail style fence violates Sec. 110-446(4) of the attached fence code amendments; however, staff is in the process of determining a way to incorporate this type of fence into the code. When coming up with the proposed amendments, city staff analyzed common issues that arose through fence permit applications over the past several months, reviewing common fence types listed by manufacturers such as Home Depot, as well as comparing the Madeira Beach Code of Ordinances to, that of other nearby municipalities.

**Recommendation(s):** Staff recommends proceeding with the amendments to the fence section in the Code and bringing this to the Planning Commission for discussion and review.

**Fiscal Impact or Other:**

There is no anticipated fiscal impact.

**Attachments:**

- Proposed amendments to the Fence Code