



Memorandum

Meeting Details: Board of Commissioners Regular Meeting, July 10, 2024

Prepared For: Board of Commissioners

From: Community Development Department

Subject: Ordinance 2024-08 Fences, 1st Reading and Public Hearing

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 to the memo) has been reviewed by Community Development Staff several times over the past couple of months. This proposed ordinance has been brought to the April 24th BOC Workshop Meeting, May 6th and June 3rd Planning Commission Meetings. The ordinance has been revised based on feedback from these meetings and recommendations from the city attorney. The most notable change from the April 24th BOC Workshop Meeting was a change to the

building line definition to be less restrictive for lots with nonconforming primary structures which comes from a recommendation made by the Planning Commission. The proposed ordinance incorporates all the above-discussed issues and improvements. On June 3rd, 2024, the Planning Commission unanimously voted to approve sending Ordinance 2024-08 to the Board of Commissioners for public hearing and 1st reading.

Recommendation(s): Staff recommends approval of Ordinance 2024-08

Fiscal Impact or Other:

There is no anticipated fiscal impact.

Attachments:

- Business Impact Estimate
- Proposed amendments to the Fence Code