



## Recommendation for Action

**File #:** 23-2217, **Agenda Item #:** 156.

7/20/2023

### Posting Language

Conduct a public hearing and consider an ordinance repealing City Code Section 9-4-41 relating to barbed wire fences, amending City Code Chapter 25-2-899 (Fences as Accessory Uses) relating to fence design, and creating an offense.

### Lead Department

Development Services Department.

### Fiscal Note

This item has no fiscal impact.

### Prior Council Action:

November 4, 2021- Council approved Resolution No. 20211104-039 initiating amendments to City Code Chapter 25-12 (*Technical Codes*) related to certain fence designs. The resolution was approved on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Tovo abstained.

### For More Information:

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### Council Committee, Boards and Commission Action:

January 25, 2023 - Building and Fire Code Board of Appeals approved the recommendation to relocate requirements to City Code Chapter 25-2-899 (*Fences as Accessory Uses*) and to create a working group to discuss regulations and language on Board Member Brasfield's motion and Board Member Schumann's second on a 7-0 vote. Board Members Fiorilo, Johns, and Wilkes were absent.

April 19, 2023 - Codes and Ordinances Joint Committee approved the ordinance as amended on Chair Hempel's motion, Commissioner Greenberg's second on a unanimous vote.

May 23, 2023 - Planning Commission approved the ordinance as amended on a vote of 8-0. Vice Chair Hempel off the dais. Commissioners Barrera-Ramirez, Cox, and Mushtaler absent. One vacancy on the dais.

### Additional Backup Information:

On November 4, 2021, Council adopted Resolution No. 20211104-039 related to certain fence designs and initiated code amendments to the City Code Chapter 25-12 (*Technical Codes*) to address dangerous fence design including spiked pickets, spiked bars and other spiked decorative elements that protrude above the top horizontal bar of a fence. The resolution provided direction that during the code amendment process, the City Manager and stakeholders should explore and consider the following changes:

- Requiring flat top styles on new fences of all lengths.
- Applying flat top fence requirements to all new fences of six feet tall or lower.
- Applying flat top fence requirements to substantial fence repairs or remodeling of 50 percent or more of

an existing fence.