



Watertown City Council  
Monday, March 25, 2019  
7:00 p.m.

WORK SESSION AGENDA

Discussion Items:

1. Requiring Paper Bags for Yard Waste Collection
  - Patrick W. Keenan, Superintendent of Public Works
  - Peter Monaco, Assistant Superintendent
  
2. Update on Fence Ordinance Recommendation
  - Michael A. Lumbis, Planning and Community Development Director

March 16, 2019

To: Richard M. Finn, City Manager  
From: Michael A. Lumbis, Planning and Community Development Director  
Subject: Fence Ordinance

At the request of the City Council, Staff has been researching fence regulations from communities from across the State to determine common practices for regulating fences on private property. Fence regulations from approximately 20 communities were reviewed and evaluated with a specific focus on front yard height restrictions, front property line setback requirements and opacity requirements for fences in front yards.

Our research indicated that most of the communities restrict the height of fences in the front yard area, with the height limit set at four feet. Most communities do not require a setback from the front property line, although two require an eight foot setback for solid fences and one requires an 8' setback for fences that are greater than 3' in height and are within 5' of a driveway. Five of the communities surveyed have opacity requirements for fences in front yards, with three requiring fences to be 50% open and two to be 60% open.

Using not only the fence ordinance examples that we found, but the guidance from the City Council as well as input from Engineering and Code Enforcement, Planning Staff has drafted several modifications to the City's fence ordinance for consideration by the City Council.

As you will see in the attached, paragraphs G and H have been modified and a new paragraph "N" is proposed. The intent of the changes to paragraph G is to clarify how the open space in the fence is defined. The current ordinance states that for fences located less than 20' from the street line, there must be open spaces equal to 50% of the area of each panel. The proposed change states that the ratio between space and fence material has to be 1:1. It also eliminates the word panel, which was a source of confusion. Even with the change, the result will still be a fence that is 50% transparent.

Staff is also proposing to delete paragraph H in its entirety and replace it with a new paragraph. The current language requires fences located less than 5' from the street line to have open spaces equal to 80% of the area of the panel. The 80% transparency requirement limits the type of fencing that is allowed to just a few styles of fencing such as split rail and wrought iron. Property owners have also complained that the 80% transparency requirement is not practical for providing privacy or providing any real means to enclose an area or keep pets or small children in a yard.

The new language proposed for paragraph H would limit the placement of a fence within a triangular shaped area on either side of a driveway, which is delineated and measured starting from a point located at the intersection of the driveway edge and the sidewalk a distance of ten (10) feet along the sidewalk and ten (10) feet along the driveway and a line connecting the end points of the two lines. The rationale for limiting the placement of a fence in this area is that it would provide greater visibility for drivers backing out of their driveways. While we are proposing to allow a less transparent fence by eliminating the 80% transparency requirement for fences located less than 5' from the street line, we are requiring a larger and angled setback from any driveway that would provide even better visibility, as the visibility and safety for pedestrians was a major concern of the Council that we have addressed through this proposal.

The new paragraph "N" was added to address ornamental landscaping features such as stone walls, retaining walls and planters. Currently, there is nothing contained in the fence ordinance that addresses these features so Codes has to treat them as fences. The new paragraph states that these types of features shall be considered decorative features and not fences, provided that they are less than thirty-six (36) inches in height.

Finally, the changes proposed above necessitate a change to Section 310-27, Visibility at Corners. The proposed change to this section will prohibit a fence (as well as a structure or shrubbery) over three feet in height on any corner lot within a triangular shaped area which is measured starting from a point located at the intersection of the two street lines to the points on such lines a distance of forty (40) feet from their intersection and a line connecting such points. This section of the code is meant to provide adequate visibility at intersections for drivers.

Attached for your review is a copy of the fence ordinance with the proposed deletions shown in blue strikethrough and the proposed additions shown in bold. Staff will have maps available for the meeting that will illustrate how the proposed revisions will change how a fence can be installed on a typical property.

§ 310-26.1 **Fences.**

[Added 2-18-2003; amended 3-20-2006; 6-19-2006; 12-5-2011]

**A.** No person, firm or corporation shall commence the erection, construction, or alteration of any fence without first applying for, and obtaining, a fence permit from Code personnel for each such fence.

**B.** Application for a fence permit shall be made to Code personnel on forms provided by Code personnel and shall contain the information requested on such forms plus any additional information as may be determined as necessary by Code personnel for duly processing such application.

**C.** All applications shall be signed by the owner of the real property upon which such work is to be performed. Where such application is made by a person other than the owner, it shall be accompanied by written authorization of the owner that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

**D.** In all districts, except Light and Heavy Industrial Districts, no fence shall be more than six feet in height, except as otherwise restricted below. In Light and Heavy Industrial Districts no fence shall be more than eight feet in height.

**E.** Fences located less than 20 feet from a street line shall not be more than four feet in height, except in Light and Heavy Industrial Districts.

**F.** The height of a fence shall not include post finials extending above the fence panels.

**G.** ~~Fences located less than 20 feet from a street line shall have open spaces equal to at least 50% of the area of each panel, except as otherwise restricted below.~~ **Fences located less than twenty (20) feet from a street line shall be of an open design such as ornamental iron, split rail or picket where the ratio between space and fence material is at least 1:1, except as otherwise restricted below.**

**H.** ~~Fences located less than five feet from a street line shall have the open spaces equal to at least 80% of the area of each panel.~~ **Fences shall not be located within a triangular shaped area on either side of a driveway, which is delineated and measured starting from a point located at the intersection of the driveway edge and the sidewalk (or street line in the absence of a sidewalk), a distance of ten (10) feet along the sidewalk (or street line) and ten (10) feet**

along the driveway and a line connecting the end points of the two lines. (Also see Section 310-27, Visibility at Corners)

I. Fences located less than 20 feet from a street line shall not be located less than five (5) feet from a neighbor's driveway or a shared driveway.

J. The side of the fence facing away from the fence owner's property shall have a finished quality.

K. Chainlink fences shall not be located less than 20 feet from a street line, except in Light and Heavy Industrial Districts.

L. Electric fences shall not be allowed.

M. Barbed-wire fences shall not be allowed, except on top of chain link fences at least six feet in height in Light and Heavy Industrial Districts.

N. Ornamental landscaping features, such as stone walls, retaining walls and planters, less than thirty-six (36) inches in height shall be considered decorative features and not fences.

§ 310-27 Visibility at corners.

[Amended 6-19-2006; 12-5-2011]

~~In any Residence District.~~ No structure, fence (other than a fence meeting the requirements of § 310-26.1) or shrubbery over three feet in height shall be maintained on any corner lot within a triangular shaped area which is formed and measured starting from a point located at the intersection of the two by-street lines to the points on such lines a distance of forty (40) feet from their intersection and a line connecting such points.