



## City of Racine, Wisconsin AGENDA BRIEFING MEMORADUM

**AGENDA DATE:**

April 27 – Planning, Heritage, and Design Commission  
May 3, 2022 – Common Council

**SUBJECT:** Communication sponsored by Alder Peterson requesting to adopt ZOrd.0003-22 Permitted Height of Fences in Front and Corner Yards.

Note: This ordinance would amend Sec. 114-756 of the Municipal Code, which relates to fence and wall height in corner side yards of zoning lots.

**PREPARED BY:** Jeff Hintz, CNU-A – Planning Manager, City Development Department

**BACKGROUND & ANALYSIS:** Current Section 114-756 limits the height of a fence to 48 inches or 30 inches in a front or corner side yard; taller fences (48 inches) are allowed (in common terms) if they are substantially open; shorter fences (30 inches) are allowed to be opaque (or privacy/screening fence). This amendment only changes requirements for the corner side yards (yellow in diagram), which by the nature of how lots and blocks are arranged, occur on lots adjacent to two street right-of-ways.

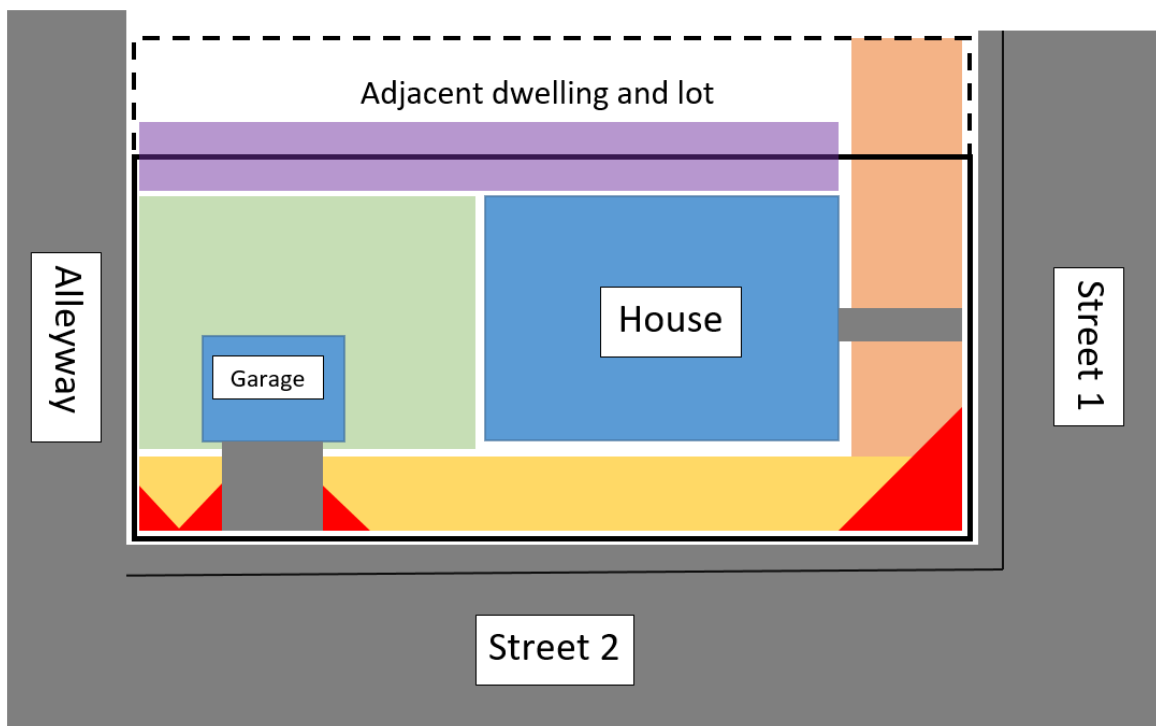


Diagram color key

Red– required vision triangles for safety purposes

Orange – required front yard

Purple – required interior side yard

Green – required rear yard

Yellow – required corner side yard

Currently, fencing in the corner side yard (yellow in diagram) must meet the requirements as described in the first paragraph of this memorandum. This can be somewhat limiting as corner lots (assuming they are the same size as interior lots) will be less buildable and useable private areas, when compared to interior lots. The rationale for the regulation ties into perception of openness when looking down streets.

Nothing in this proposed ordinance changes the current rules on fences in vision triangles (shown in red in the diagram) which address the following areas where conflict between cars and other cars, or where cars and pedestrians/users of the sidewalk occurs:

- Where driveways meet sidewalks;
- Where yards or driveways meet alleyways; and
- Where two street right-of-ways meet (at the sidewalk).

This proposed ordinance will only impact lots with corner side yards and those electing to place a fence in the area adjacent to the sidewalk. Fences can be six (6) feet in height adjacent to a corner side yard, BUT must be at least 12 feet in from the property line; this 12 feet is the required corner side yard. The proposed ordinance change would authorize a four (4) foot privacy fence to be installed at the property line or anywhere else shown in yellow (on the diagram) up to the front of the house. It is worth noting that a four (4) foot non-privacy style fence can already be installed at the property line or in this yellow area now.

Variances and other exceptions have been granted dating back to the 1940's, authorizing privacy fencing (sometimes at a taller height) in corner side yards when special circumstances have been demonstrated to the board. The effect of this proposed ordinance amendment has already been enjoyed by some residential property owners with corner side yards (over 100 approvals granted) since the Zoning Board of Appeals came into existence in 1946.

Considering the ordinance section already allows a four (4) foot fence on the lot line, allowing this fence to be privacy instead of open natured, will not readily alter the view when looking down a street. The main difference would be for someone living across the street viewing a corner side yard; the contents of the yard will be more concealed, identical to that of the interior lot.

A six (6) foot fence adjacent to the sidewalk would have an impact on openness and perception thereof, but the proposal of allowing four (4) foot privacy fences in corner side yards, not to extend past the front of the residential dwelling unit, is something City Development staff recommends approval of.

**RECOMMENDED ACTION:** That the amendment to Sec. 114-756 pertaining to height of fences and walls in front and corner side yards be adopted.

**FISCAL NOTE:** N/A