

**CITY OF LA CROSSE, WISCONSIN
CITY PLAN COMMISSION
REPORT
March 3, 2014**

➤ **AGENDA ITEM – PC2014-03-03-08**

AN ORDINANCE to create Paragraph 15.04(N)(3)(vi) of the Code of Ordinances of the City of La Crosse regarding existing fences adjacent to or encroaching into alley right of way.

➤ **ROUTING: J&A Committee**

➤ **BACKGROUND INFORMATION:**

The current fence ordinance requires a three (3) foot setback along an alley for snow storage purposes. If alley construction is required, then the current ordinance requires the removal of the portion of the fence that encroaches or is adjacent to the alley right-of-way. After alley construction is complete, the subject ordinance would grandfather those fences located within the three (3) foot setback, so long as the fence does not encroach in the right of way. The subject ordinance is written as follows:

Existing fences adjacent to or encroaching into alley right-of-way that are required to be removed for construction related causes during a City alley project may be reconstructed within the three-foot setback, provided they are reconstructed outside of the right-of-way using the property line established by the Engineering Department during the project without the requirement of a Certified Survey Map.

➤ **GENERAL LOCATION:**

City wide

➤ **RECOMMENDATION OF OTHER BOARDS AND COMMISSIONS:**

N/A

➤ **CONSISTENCY WITH ADOPTED COMPREHENSIVE PLAN:**

N/A

➤ **PLANNING RECOMMENDATION:**

The three (3) foot alley fence setback buffer is a practical measure that was enacted to benefit the property owners by creating a snow storage space along alleys. This ordinance eliminates this provision if an alley is reconstructed and allows the abutting property owner to put the fence back anywhere outside of the right-of-way. Grandfathering fences that are in the setback seems fair to those that constructed a fence prior any fence setback requirements; though, tracking grandfathered fences may be administratively cumbersome. **It is therefore recommended that the Ordinance be amended to allow for any fence to be constructed or reconstructed outside the City alley right-of-way. Vision corner rules would still apply.**