

**CITY OF LA CROSSE, WISCONSIN
CITY PLAN COMMISSION
REPORT
September 28, 2020**

➤ **AGENDA ITEM – 20-1198 (Lewis Kuhlman)**

AN ORDINANCE to amend Section 115-398 of the Code of Ordinances of the City of La Crosse regarding fences and hedges.

➤ **ROUTING:** J&A 9/29/2020

➤ **BACKGROUND INFORMATION:**

This legislation makes seven changes to the code of ordinances on fences and hedges. First, this ordinance would regulate new hedges that are intended to form a barrier and are taller than 4'. It would only apply to new hedges over 4' in the front yard. The ordinance would not regulate isolated plants that don't form a continuous hedge row.

Second, the ordinance would allow fences with multiple materials or multiple patterns. Fences with multiple materials are currently only allowed when they are on top of a wall. The intent behind the amendment for the transition from a privacy fence in the side- and rear-yard to a wood or chain link fence in the front yard, as proposed below.

Third, the ordinance would no longer apply standards for industrial park fences where there are covenants in place. This change was likely due to conflicts between the fence code and industrial park covenants that arose after Torrance Castings design review approval (20-0846). While covenants are typically a judicial matter between private parties, the Industrial Park covenants have been approved by the Common Council and are enforced by the City.

Forth, the ordinance would allow chain link and unpainted/unstained fences in residential zones. The intent for this amendment for more cost-effective fences in the yards abutting a public sidewalk. The original purpose and intent behind prohibiting these materials is unknown, but likely aesthetic.

Fifth, the ordinance increases the allowable height for a fence on the interior side yard of a residence from 4' to 6'. The code currently only allows interior side yard fences up to 6' if at least the top two feet is 50% transparent. The purpose and intent behind the transparency requirement is unknown, but could be aesthetic or for visibility and safety. The intention of the amendment is to increase privacy.

Sixth, the ordinance would remove notification to neighboring property owner for fences closer than 3' to the property line. The purpose and intent behind the notification requirement is unknown, but could be to ensure the owner can access the outside of the fence for maintenance. The code still requires a survey to determine the lot line, if necessary.

Seventh, the ordinance allows fences on vacant parcels. The purpose and intent behind this prohibition requirement is unknown, but could be to reduce the appearance of blight. Several large cities have found that fences around vacant lots show that it isn't abandoned. Landscaping maintenance and refuse cleanup on these lots also reduces their likelihood of hiding criminal activity.

The Fire Dept.'s Community Risk Management Division does not have any concerns about this ordinance. Staff is unaware of any concerns from neighborhood associations. The Walls and Fences requirements for Multifamily Housing Design Standards and Commercial Development Design Standards would still apply and likely not conflict with this ordinance. However, chain link fences or untreated wooden fences would not be allowed in the front yard of new multifamily or commercial development. While these amendments may not directly impact health, safety, and welfare, the appearance of fences can have an impact on quality of life for neighbors and the public in general.

➤ **GENERAL LOCATION:**

Citywide

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

Not applicable

➤ **CONSISTENCY WITH ADOPTED COMPREHENSIVE PLAN:**

The comprehensive plan does not directly address fences and hedges, but does address enhancing buffering and screening.

➤ **PLANNING RECOMMENDATION:**

Approval with conditions. Planning staff recommends keeping in the prohibition against chain link and unpainted/unstained wood fences in the front yard due to aesthetic concerns. Overall, the changes make the code more permissive, but hopefully makes enforcement less burdensome for minor issues. Making recommendations on ordinance changes can be a challenge when the existing code and amendments do not include purpose and intent statements.