



DATE: October 2, 2008
TO: Mayor, Council, Manager
FROM: Glen Markegard, Senior Planner
RE: Planning Staff Recommended Addition to Proposed Fence Ordinance

Planning staff recommends one additional modification to the fence ordinance that was not included in the packet for the October 6th City Council meeting. The additional language is underlined below:

SEC. 21.301.08. FENCES.

- (d) **Opacity** (the degree of openness to which light or views are blocked measured perpendicular to the fence for each fence section between supports). The following opacity limitations are meant to maintain an open feeling along public streets and to prevent crime.
- (1) **Limitations.** Where the body of a fence in a yard adjacent to a street is over three feet in height and does not meet the required setback for a principal structure from a street in the applicable zoning district, the amount of fence opacity is limited to 50 percent. For the purposes of fence opacity limitations, an alley is not considered a street.
 - (2) **Exceptions.** The following fences are exempt from opacity limitations:
 - (A) Fences in a yard adjacent to an arterial street as designated by the Bloomington Comprehensive Plan provided a 15 foot clear view triangle is maintained between the intersection of any driveway with a sidewalk or bikeway;
 - (B) Screening fences required by the City Code (see Section 21.301.08 (g)(4) references);
 - (C) Screening fences required by a condition of approval for a development application;
 - (D) Fences in the rear yard of a through lot when adjacent lots are also through lots; and
 - (E) Fences in the rear yard of a corner lot when the fence is no closer to the street than an existing principal structure or garage.
 - (F) Vegetation growing adjacent to or on a fence will not be considered in determining compliance with the opacity requirements for fences.

The change is proposed to increase bicycle safety. In some cases, sidewalks or bikeways are on a private easement inside the property line as opposed to within the right of way. In these cases, the otherwise required clear view triangles offer no margin for safety since they are measured from the property line (for street intersections) and from the edge of street (for driveway intersections with streets). This situation is less of a concern if the fence is not opaque.

However, along arterials, an exception is proposed that would allow fully opaque fences. Staff proposes to limit the exception by stating that the solid fence is allowed only if a 15 foot clear view triangle is maintained between any driveway and bikeway or sidewalk.