

**Agenda Item No: IX - 1**  
**Meeting Date: March 20, 2017**

**Subject:** Ordinance 1012, Fences around outdoor pools

**Presenter:** Matt Manley

**Background:**

The Town has received a request from a resident to consider deleting the more restrictive zoning code requirement (see below Sec. 16-10-10 Fences, hedges and walls, Article 10 of Chapter 16) for a minimum six foot tall fence around outdoor swimming pools in favor of the current building code requirement for a minimum four foot fence height. On October 3, 2016 the BoT referred this request to the PCDC for their consideration.

The building code as adopted from time to time fully addresses the safety concerns relating to outdoor pools so it is redundant, and potentially in conflict, to have a similar standard in the zoning code. However the Town may adopt a “higher” standard with the zoning code and that standard will rule over the building code standard (as is currently the case).

On 3/13/17 the PCDC held a Public Hearing to consider Ordinance 1012 that would eliminate the more demanding zoning code requirement. No public comment was received either prior to or at that meeting. The PCDC now recommends the BoT adoption of Ord. 1012. It is the PCDC consensus opinion that the IRC building code as adopted from time to time is the preferred vehicle for this regulation. One advantage of using the IRC is that it is regularly updated by building code officials with input from building design and construction professions to reflect best practices in the context of new design, technology and construction.

**ARTICLE 10**

**Supplementary Regulations Sec. 16-10-10. Fences, hedges and walls.**

- (a) Intent. The intent of this Section is to allow fences, hedges and walls for privacy, provided that public safety is maintained.
- (b) General Provisions. Fences, hedges and walls may be permitted in the various districts as accessory uses in accordance with the following limitations:
  - (1) No fence or wall in any district shall exceed six (6) feet in height in the side yards and rear yards, except for around the enclosures of outdoor swimming pools..
  - (2) No fence or wall in any district shall exceed four (4) feet in height in the front yard, except for around the enclosures of outdoor swimming pools.
  - (3) No fence, hedge, wall, shrubbery or sign shall interfere with the vision of motorists at any intersection.
  - (4) Fences, hedges and walls are not subject to setback requirements.
  - (5) ~~All outdoor swimming pools shall be enclosed by a fence or wall at least six (6) feet but not more than eight (8) feet in height with a gate or gates which can be securely locked.~~
- (6) The use of barbed wire fencing and electrically charged fencing is prohibited except for within properties zoned for agricultural use and/or to protect municipal utility facilities or facilities providing essential services to Town residents.