

ARTICLE WALL

AMEND ZONING BYLAW STRUCTURES IN YARDS

To see if the Town will vote to amend the Zoning Bylaw to update certain provisions related to walls, fences, and structures in yards, including: adding a definition of “fence”; limiting the height of fences and retaining walls near lot boundaries; permitting structures enabling access for disabled persons anywhere on a lot; prohibiting structures in yards that interfere with safe stopping sight distance on a street; making the definition of “yard” consistent with other provisions of the bylaw; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION:

This article would update the Zoning Bylaw in a number of ways related to walls, fences, and structures in yards to:

- Add a definition of “fence”;
- Limit the height of fences and retaining walls along a street;
- Limit the height of retaining walls near side and rear lot boundaries to their distance from the lot line;
- Treat combinations of fences and retaining walls as a single structure for the purpose of these limits;
- Permit structures enabling access for disabled persons anywhere on a lot;
- Prohibit structures in yards which interfere with safe sight distance on a street; and
- Clarify that structures other than buildings are permitted in minimum required yards, subject to height limitations.

PROPOSED MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, where ~~struck through~~ text is to be removed and underlined text is to be added, except where otherwise stated below, and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Lexington:

1. Amend § 135-4.3.1 as follows:

4.3.1 Structures Other than Buildings.

1. The maximum height, in feet, for structures other than buildings may not exceed the maximum height for buildings as set forth in Table 2.
2. Structures other than buildings may be located in a minimum required front, rear or side yard provided that the height of the structure is not greater than its horizontal distance from the lot line, except that:
 - a. Structures of any height which are required to enable access for disabled persons may be located anywhere on a lot;
 - b. A fence ~~or wall~~ not greater than six feet in height (~~except that a supporting post may be not more than six feet, six inches in height~~) may be located on or closer to a side or rear lot line; ~~than six feet; and~~
 - c. A fence or retaining wall not greater than four feet in height may be located on or closer to a front lot line; and
 - d. Supporting posts for a fence may extend six inches higher than the top of a fence.
3. Structures shall not interfere with safe stopping sight distance on a street.

4. Where two or more fences or retaining walls are separated by a distance that is less than the height of the highest such structure, all such structures shall be considered a single structure and their height shall be measured as the combined height of the structures.
 5. A sign, permitted under § 5.2, may be located in a front yard.
2. In § 135-10.0, add a new definition as follows:

FENCE

A barrier intended to prevent escape or intrusion or to mark a boundary, but not a retaining wall.

3. In § 135-10.0, amend definitions as follows:

STRUCTURE

Anything constructed or erected, the use of which requires a fixed location on the ground, or attachment to something located on the ground, including buildings, mobile homes, billboards, tanks, Solar Energy Systems, or the like, or the parts thereof, fences, retaining walls, and swimming pools, but not including paved surfaces such as a driveway, a walk or a patio.

YARD

An open space on a lot unoccupied by a building ~~or structure~~ or such parts thereof as covered or uncovered porches, steps, cornices, eaves and other projections; ~~provided however that fences, gates or security stations, yard accessories, ornaments and furniture, Solar Energy Systems, and customary summer awnings are permitted in any yard but shall be subject to height limitations.~~ Yard depth shall be measured from the ~~street or~~ lot line, and not from the middle of any public or private way whether owned pursuant to the derelict fee statute or otherwise, to the nearest point on a building in a line perpendicular or normal to such lot ~~or street~~ line. ~~The minimum required yard shall be a strip of land of uniform depth required by this bylaw measured from the lot or street line and adjacent thereto.~~

YARD, MINIMUM REQUIRED

A strip of land of uniform depth required by this bylaw measured from the lot ~~or street~~ line and adjacent thereto.