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FENCES

Required Documentation

- Completed Permit Application
 - Copy of **Survey map** (*homeowner required to provide*)
 - Lineal measurements**, clearly outlined on Survey (colored outline is helpful)
- OR {
- Contractor's **General Liability/Worker's Compensation** (*unexpired*)
 - Home Owner must complete "**Affidavit of Exemption...**"
- }

Basic Requirements for Residential:

- Maximum height for a fence in a residential district is **6 feet tall measured from grade level**.
- Fence must follow required front setback from street. Front setbacks shall be no less than **50 feet along state and county roads** and no less than **35 feet along all other roads**, exclusive of parking requirements.
- The most **pleasant or decorative side of a fence** must face adjacent lots with **all posts** being located in the yard of the owner.
- No barbed wire, spikes, chipped glass, electricity or similar materials or devices can be used in residential districts.
- Fences **cannot impede or obstruct access to the rear of the yard** for the allowance of emergency equipment.
- Fences **cannot be located in the front yard** without the approval of the Town of Gates Zoning Board of Appeals. In addition, all front yard fences must be **3 feet tall or less** and must be located at least **3 feet** from any front or side lot lines.

Additional Requirements for Non-Residential Districts:

- The minimum height for a fence in a non-residential district is **6 feet tall from grade** and the maximum height is **8 feet tall from grade**.
- Barbed wire and electric fences are permitted upon issuance of a Conditional Use Permit by the Town Board.

Town of Gates Code Terminology:

- **Fence:** Any freestanding wall or structure located in buffer areas, as required by this chapter, or along lot lines, as permitted in this chapter, and made of wood, metal, wire, concrete or other material.
- **Fence, closed:** Any type of fence where the ratio of transparent area to opaque area is less than 3 to 1.
- **Fence, decorative:** Any fence made of decorative or ornamental material such as split rail, redwood, pine and the like, excluding, however, materials such as steel, wire, wire mesh, chicken wire, chain-link, concrete and the like.
- **Fence, open:** Any type of fence where the ratio of transparent area to opaque area is 3 to 1 or greater.
- **Right-Of-Way Or Highway Line:** The line, present or proposed, which is the joint boundary line between a lot and the street or highway right-of-way.
- **Setback:** The minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way, if such has been determined, to the nearest vertical wall or other element of a building or structure, as defined herein.
- **Grade level:** The final grade level of the ground at the front line of the building.