



Town of Gates

1605 Buffalo Road, Rochester, NY 14624
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Fence Permits

Please refer to the 2nd page of the “Building Permit Application” for Permit Process and Contacts.

Required Documentation:

1. **Building Permit Application**
2. **Survey map** with fence location hi-lighted and lineal feet of fence sections
3. **Insurance or Exemption Form** (One of the following):
 - a. **Contractor:** General Liability & Worker’s Compensation/CE-200 Form filled out on website: <http://www.wcb.ny.gov>
 - b. **Homeowner performing the work:** BP-1 Form
4. **Easement Waiver:** If your proposed fence will be located on an Easement (Would be shown on your Survey Map) then you will need to complete the Easement Waiver, which needs to be approved by the Director of Public Works.

Topic	General Code Requirements	Code Reference
Permit Required?	<ul style="list-style-type: none"> New & Fence Replacement: No fence shall be placed, erected, or constructed on a lot without a permit. [Fence Definition: Any freestanding wall or structure along lot lines made from any material.] 	§190-31.D & §190-5 [Town]
	<ul style="list-style-type: none"> Existing Fences: The requirement for a fence permit started in 2006. Owners may continue use of an existing fence so long it is not changed/replaced. 	§190-32.A & §190-43 [Town]
Height	<ul style="list-style-type: none"> Fence Height in Residential District: Maximum height for a fence in a residential district is a nominal 6 feet measured from ground. 	§190-32.B [Town]
	<ul style="list-style-type: none"> Fence Height in Commercial/Industrial Districts: Closed and open fences are required within the buffer zones required in chapter and shall be a minimum of 6 feet high but not to exceed 8 feet in height. Such fences shall not exceed 4 feet in height between the front setback and front lot lines. 	§190-33.B [Town]
Front Yard	<ul style="list-style-type: none"> Front Setback: All fences must be setback 50 feet for state and county roads and 35 feet for Town or other roads, from any property line facing a street. Corner lots have two front yards. The depth of each yard shall depend on the type of street that portion of the lot fronts on. 	§190-36.B & §190-94.C[3] [Town]
	<ul style="list-style-type: none"> Decorative Fences: Any fence made of decorative or ornamental material such as split rail, redwood, pine & etc. Excludes materials such as steel, wire, wire mesh, chicken wire, chain-link, concrete & etc. (Example: Picket fences) must be approved by Zoning Board of Appeals and cannot exceed 3 feet in height. 	§190-5 §190-31.F & §190-32.D [Town]
	<ul style="list-style-type: none"> Garden Fences: Open decorative fences, hedges and screened plantings not exceeding three feet in height and not extending beyond the side foundation walls of the house are permitted within 10 feet of the front foundation wall. Decorative or landscape planting, such as bushes, flowers, trees and the like, which are not designed or intended as a fence, are allowed in front yard and does not require a permit. 	§190-32.G & §190-32.H [Town]
	<ul style="list-style-type: none"> Open Fences: Any type of fence where the ratio of transparent area to opaque area is 3 to 1 or greater. (Example: Chain-link fences) are not code restricted from being in the front yard so long as it meets the Front Setback requirements and does not exceed 4 feet in height. 	§190-5
	<ul style="list-style-type: none"> Closed Fences: Fences that closed/not open construction (Example: Solid Vinyl fence) are not allowed in front yard and must maintain front setback requirement. 	§190-31.F [Town]
	<ul style="list-style-type: none"> Fences in a GB, LI or GI District: Fronting on a state or county rd shall be not less than 100 feet. No parking shall be permitted in the 50 feet nearest the state or county rd. 	§190-36.C [Town]
Side & Rear Yard	<ul style="list-style-type: none"> Side & Rear Yard: Fences are not required to be setback from side or rear lot lines but cannot extend into front setback. 	N/A
Structure & Supports	<ul style="list-style-type: none"> Posts or Supports: The most pleasant or decorative side of a fence must face adjacent lots with all posts being located in the yard of the owner. 	§190-32.A [Town]
	<ul style="list-style-type: none"> Fence Installation & Maintenance: Structure shall be structurally sound, in sanitary condition and maintained in good repair. Fences shall be continually maintained and no fence, hedge or screen plantings shall be permitted to become unsightly or in a state of disrepair. 	§306.1 [NYS] & §190-32.F [Town]
Hazardous	<ul style="list-style-type: none"> Blockades in Residential District: No barbed wire, spikes, chipped glass, electricity or similar materials or devices can be used in residential districts. No fence shall be permitted which is expressly designed with the intent to injure or malign anyone who attempts to climb such a fence. 	§190-31.A & §190-31.B [Town]
	<ul style="list-style-type: none"> Blockades in Commercial/Industrial Districts: The Barbed wire and electric fences are permitted upon approval of a Conditional Use Permit by the Town Board. 	§190-33.C [Town]
Access	<ul style="list-style-type: none"> Closed fences: Must have opening or a gate entrance since it cannot impede or obstruct access to the rear of the yard for the allowance of emergency equipment. 	§190-32.C [Town]

Additional codes & details may apply. Please refer to website below for current Town codes requirements. Information provided does not replace codes as written.