

ARTICLE XIII

FENCES, WALLS, AND OBSTRUCTION TO VIEW REGULATIONS

SECTION 13.0 VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS:

Except as herein provided, no fence, wall, hedge, or other obstruction, above a height of thirty-six (36) inches, as measured above the curb level, shall be erected, placed, maintained, or continued in any zone, within that triangular portion of a corner lot formed by measuring fifty (50) feet from the intersection of the right-of-way lines of two (2) streets or of the right-of-way line of a street intersection with a railroad right-of-way line and joining these points with a straight line. No type of tree, or planting, or other obstruction, shall be planted, placed, maintained, or continued in such a manner which would obstruct the vision clearance at corners and railroad crossings.

SECTION 13.1 CLASSIFICATION OF FENCES AND WALLS

A. The following shall be the classification of fences and walls for this ordinance:

1. Masonry walls
2. Ornamental iron (eighty (80) percent open)
3. Woven wire (eighty (80) percent open); and chain link
4. Wood or other materials (more than fifty (50) percent open)
5. Solid fences, wood or other materials (less than fifty (50) percent open)
6. Hedges
7. Barbed wire or sharp pointed fences
8. Earthen or concrete walls intended to contain or redirect flooding waters

SECTION 13.2 CONSERVATION ZONE

A. Fences and/or walls within the conservation zone shall conform to the following requirements:

1. Section 13.0, except that in front yards class 2 or 3 fences may be erected up to a maximum height of ninety-six (96) inches.
2. Side and rear yard, class 1, 2, 3, 4, 5, 6, or 7 fences and/or walls may be erected up to a maximum height of ninety-six (96) inches.
3. Class 8 walls shall be permitted but shall conform to requirements of the Corps of Engineers and/or city engineer, whichever is applicable.

SECTION 13.3 RESIDENTIAL ZONES

- A. Fences and/or walls within all residential (R) zones, including their applicable overlay zone, shall conform to the following requirements:
1. The requirements for the Residential (R) Zones for residential uses only, are as set forth and depicted on Figure 1 of this ordinance.
 2. The location, height, and type of all fences and/or walls within any area zoned with a PUD, RCD, or RMHP Overlay shall be as approved by the planning commission.
 3. For all non-residential uses conditionally permitted in any residential zone herein, the requirements are as follows:
 - a. Fences of class 2 or 3 only shall be permitted in front yards, including the front yard of corner lots, as governed by Section 13.0. Said fences may be erected up to a maximum height of seventy-two (72) inches.
 - b. Classes 1, 2, 3, 4, 5, 6 fences and/or walls may be erected in rear yard, up to a maximum height of seventy-two (72) inches, provided, however, for the following exceptions
 - (1) General purpose recreational areas may be enclosed with fences and/or walls of Class 1, 2, 3, 4, 5, 6, or 7 up to a maximum height of ninety-six (96) inches.
 - (2) Class 3 fences (or a combination of 3 and 7) may be erected to enclose tennis courts or as backstops for baseball and/or softball fields, up to a maximum height of one hundred forty-four (144) inches.
 - (3) In the case of corner lots, as governed by Section 13.0, fences of class 2 or 3 only may be erected, as regulated by the applicable provisions of this section.

SECTION 13.4 COMMERCIAL AND INDUSTRIAL ZONES: Fences and/or walls within all commercial and industrial zones, including those permitted with all conditionally permitted uses in this zone shall conform to the following requirements:

- A. Except as provided for in Section 13.0, fences of class 1, 2, 3, 4, 5, or 6 may be erected in front, side, and rear yards of commercial zones, up to a maximum

height of seventy-two (72) inches. In the case of corner lots, as governed by Section 13.0, fences of class 2 or 3 only, may be erected up to a maximum height of seventy-two (72) inches. In all commercial and industrial zones, except NSC, SC, and IP, a combination of class 3 and 7 fence (chain link with three strands of barbed wire) may be erected, including corner lots, as governed by Section 13.0, up to a maximum height of eighty-four (84) inches.

SECTION 13.5 MEASUREMENT OF ALL FENCE AND/OR WALL HEIGHTS AND/OR LOCATIONS

- A. All fences and/or wall heights shall be measured along the fence or wall locations.
- B. All locations for distance measurements shall be measured from lot lines.

SECTION 13.6 HEIGHT OF ANY BARBED WIRE OR SHARP POINTED FENCES: In all zones, except R-RE Zones, barbed wire or sharp pointed fences, where permitted, must start a minimum of sixty (60) inches above ground level.

SECTION 13.7 HEIGHT OF FENCES ATOP RETAINING WALLS:

- A. A combination fence and retaining wall may be erected. The retaining wall portion may be erected up to the level of the higher finished grade. The fence portion must be of the class and height permitted within this ordinance for the applicable zone. Said measurement shall be made at and along the location of the fence and retaining wall.
- B. No fence shall be erected, except as exempted or specified within this ordinance, until all required fees have been paid to the proper authorities or their agents and the necessary permits have been issued for such by the zoning administrator and the building inspector in accordance with Sections 16.1 and 16.2 of this ordinance.

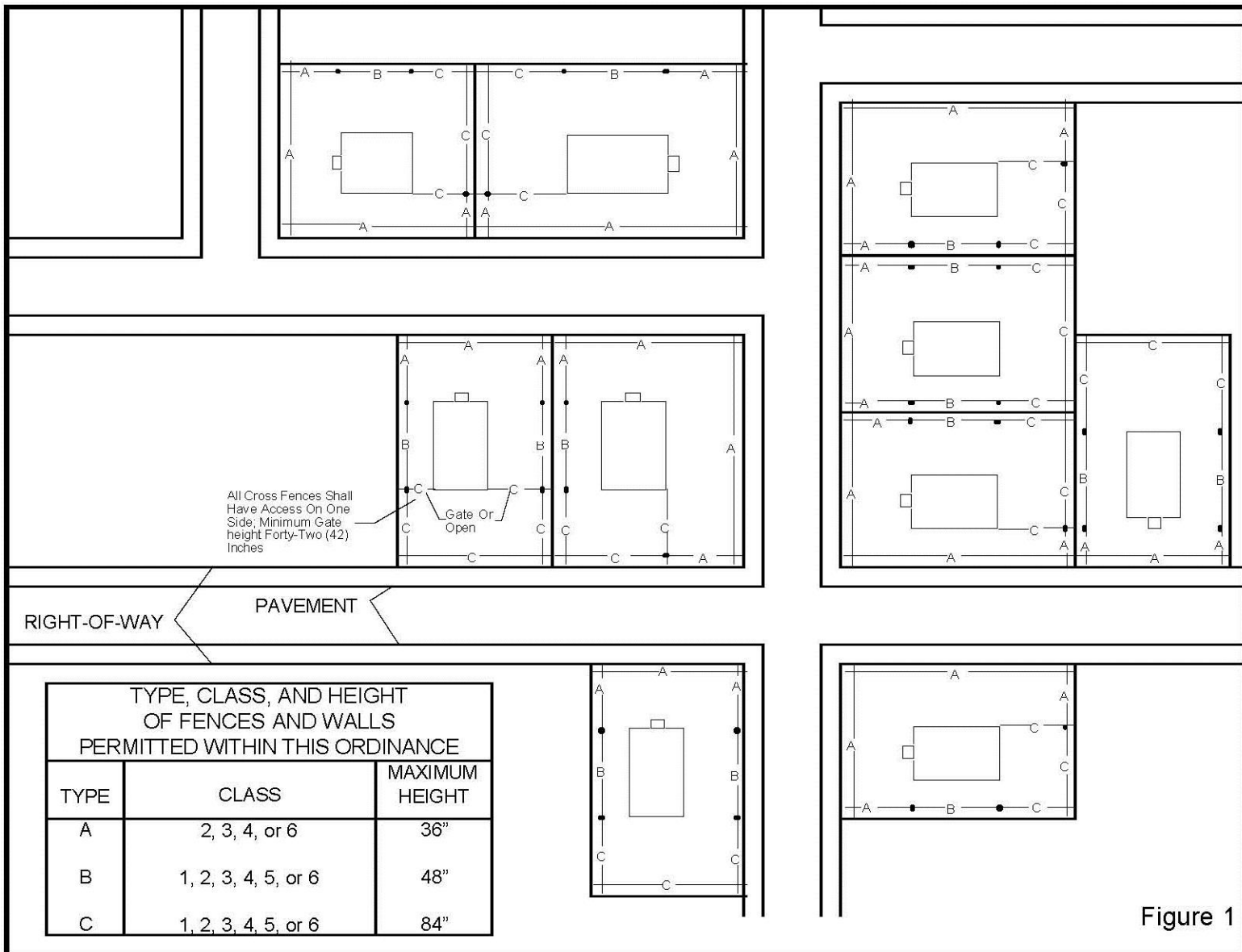


Figure 1