

## 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, 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 percent (80%) open)
3. Woven wire (eighty percent (80%) open)
4. Wood or other materials (more than fifty percent (50%) open)
5. Solid fences, wood or other materials (less than fifty percent (50%) open)
6. Hedges
8. Earthen or concrete walls

#### SECTION 13.2 RESIDENTIAL ZONES

A. Fences and/or walls within all residential zones shall conform to the following requirements:

1. For all permitted uses in any residential zone herein, the requirements are as follows, except that where a fence and/or wall is required around a swimming pool, as provided for in Section 9.16 of this ordinance, the fence and/or wall may be of greater height and of a type not otherwise permitted in this section, so as to meet the minimum requirements of Section 9.18 of this ordinance (Figure 13-1 provides illustrations of these regulations).
  - a. Except as provided for in Sections 13.0 and 13.2, A., 3. of this ordinance, only class 6 fences and/or walls may be erected in front yards, up to a maximum height of thirty-six (36) inches.
  - b. Except as provided for in Sections 13.0 and 13.2, A., 3. of this

ordinance, class 1, 2, 3, 4, 5, or 6 fences and/or walls may be erected in side yards, up to a maximum height of forty-eight (48) inches, except for the following:

- (1) Where the lot is a corner lot or a double frontage lot, only class 6 fences and/or walls may be erected in the side yard which abuts a street, up to a maximum height of thirty-six (36) inches.
  - c. Except as provided for in Sections 13.0 and 13.2, A., 3. of this ordinance, class 1, 2, 3, 4, 5, or 6 fences and/or walls may be erected in rear yards, up to a maximum height of eighty-four (84) inches, except for the following:
    - (1) Where the lot is a corner lot or a double frontage lot, only class 6 fences and/or walls may be erected in that portion of the rear yard between the adjacent street and a line extending from the side building wall of the principal structure toward the rear lot line, up to a maximum height of thirty-six (36) inches.
  - d. Class 8 walls shall be permitted, but shall conform to the requirements of the building code.
2. For all non-residential uses conditionally permitted in any residential zone herein, the requirements are as follows:
- a. Except as provided for in Section 13.2, A., 3. of this ordinance, only class 2 or 3 fences and/or walls may be erected in front yards, up to a maximum height of seventy-two (72) inches.
  - b. Except as provided for in Sections 13.0 and 13.2, A., 3. of this ordinance, class 1, 2, 3, 4, 5, or 6 fences and/or walls may be erected in side and rear yards, up to a maximum height of seventy-two (72) inches, except for the following:
    - (1) General purpose recreational areas may be enclosed with fences and/or walls of Class 1, 2, 3, 4, 5, or 6, up to a maximum height of ninety-six (96) inches.
    - (2) Class 3 fences and/or walls may be erected to enclose tennis courts or as back-stops for baseball and/or softball fields, up to a maximum height of one hundred forty-four (144) inches.

- c. Class 8 walls shall be permitted, but shall conform to the requirements of the building code.
- 3. For all permitted and conditionally permitted uses in any residential zone herein, an ornamental structure (inclusive of ornamental, wooden and masonry structures, planters, hedges, etc.) where used and developed as an integral part of the landscaping of the lot, may be permitted according to the following requirements (Figure 13-2 provides illustrations of these regulations):
  - a. The average height of any ornamental structure shall not exceed forty-eight (48) inches, although the actual height may vary along any continuous section. In addition, one section of the structure, not to exceed ninety-six (96) inches in length, may be permitted up to a maximum height of ninety-six (96) inches).
  - b. The length of any ornamental structure shall be as follows:
    - (1) Along or approximately parallel to the front property line - Not greater than one-half ( $1/2$ ) the total width of the lot, provided further that any continuous section shall not exceed one-fourth ( $1/4$ ) of the total width of the lot.
    - (2) Along or approximately parallel to the side property line (between the front property line and the front setback line of the building) - Not greater than one-half ( $1/2$ ) of the total distance between the front property line and the building setback line, on each side of the lot.
    - (3) Along or approximately parallel to all other property lines not described in (1) or (2) above - No restrictions as to length.

### **SECTION 13.3 SPECIAL DEVELOPMENT ZONES**

- A. The location, height, and type of all fences and/or walls within any special development zone or any overlay zone shall be as set forth and depicted on the approved development plan.

**SECTION 13.4 COMMERCIAL AND INDUSTRIAL ZONES:** Fences and/or walls within all commercial and industrial zones shall conform to the following requirements:

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

maximum height of forty-eight (48) inches.

- B. Except as provided for in Section 13.0 of this ordinance, class 1, 2, 3, 4, 5, or 6 fences and/or walls may be erected in side or rear yards of commercial zones, up to a maximum height of seventy-two (72) inches.
- C. Except as provided for in Section 13.0 of this ordinance, class 1, 2, 3, 4, 5, 6, or 7 fences and/or walls may be erected in front yards, up to a maximum height of forty-eight (48) inches and up to a maximum height of eighty-four (84) inches in side and rear yards of all industrial zones, except for industrial park zones. In industrial park zones, only class 2 or 3 fences and/or walls may be erected in front yards, up to a maximum height of seventy-two (72) inches.
- D. Class 8 walls shall be permitted, but shall conform to the requirements of the building code.

#### **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 FENCES ATOP RETAINING WALLS:** 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.

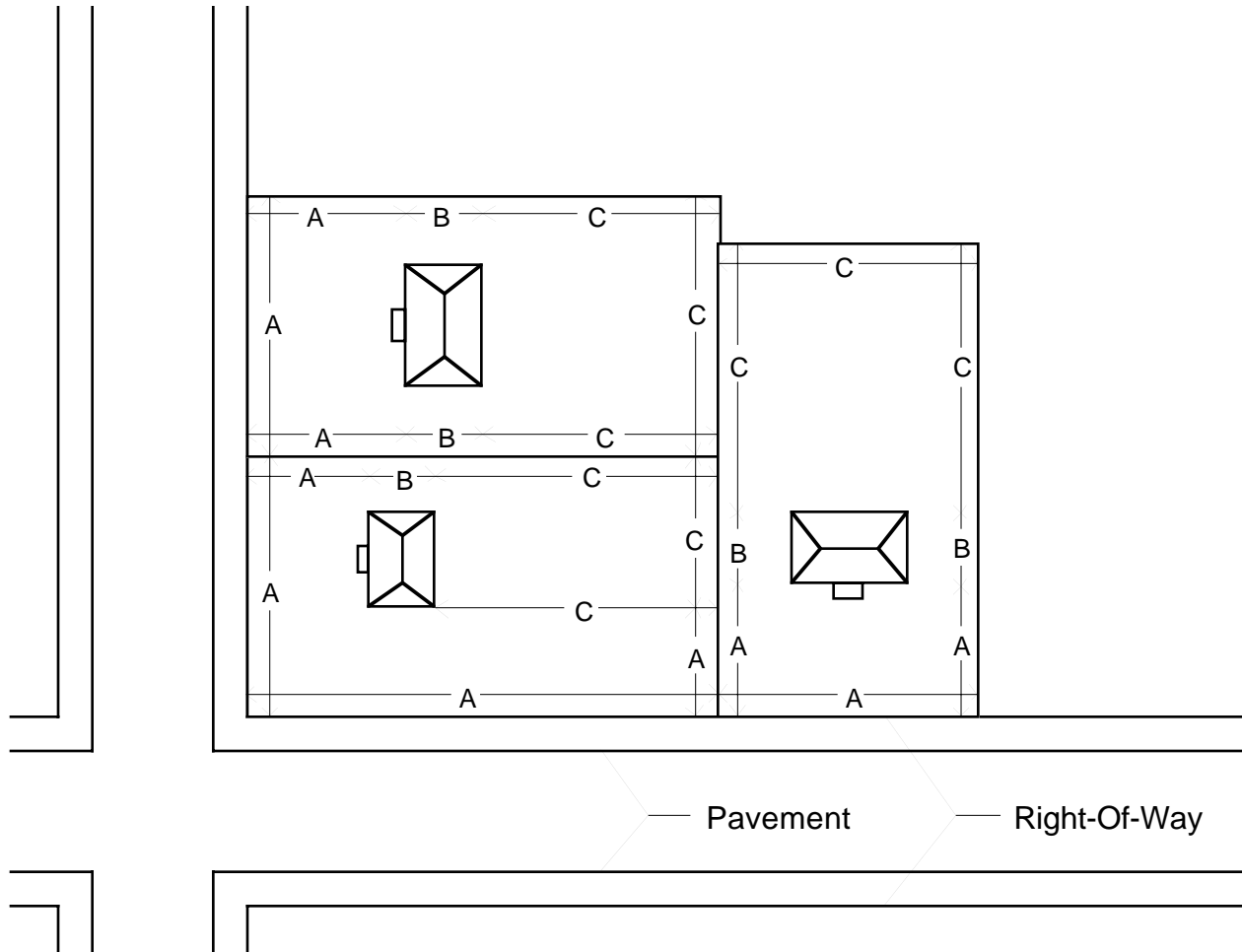
**SECTION 13.7 ELECTRIFIED FENCES:** No fence and/or wall carrying an electrical charge shall be permitted in any zone except when such fence and/or wall is used in conjunction with an agricultural use, and provided the fence and/or wall is not located along the perimeter with adjacent property.

**SECTION 13.8 PERMIT REQUIRED FOR ERECTION OF FENCES:** No fence and/or wall shall be erected, except as exempted or specified within this ordinance, until all required fees have been paid, 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.

**SECTION 13.9 STRUCTURAL ELEMENTS OF FENCES:** Fences and/or walls shall be constructed so that all structural members shall be located on the inside of the fence and/or wall. The inside shall be the side which faces the property owned by the person building the fence and/or wall.

**SECTION 13.10 DILAPIDATED FENCES:** All fences and/or walls shall be kept in a state of good repair.

FIGURE 13-1

ILLUSTRATIONS OF CLASS AND HEIGHT OF FENCES AND/OR WALLS  
FOR RESIDENTIAL ZONES

TYPE, CLASS, AND HEIGHT OF FENCES AND/OR WALLS PERMITTED UNDER SECTION 13.3, A. OF THIS ORDINANCE		
TYPE	CLASS	MAXIMUM HEIGHT
A	6	36"
B	1, 2, 3, 4, 5, 6	48"
C	1, 2, 3, 4, 5, 6	84"

FIGURE 13-2

## ILLUSTRATIONS OF ORNAMENTAL FENCES AND/OR WALLS FOR RESIDENTIAL ZONES

