

## 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 & AGRICULTURAL ZONES

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

1. Except as provided for in Section 13.0, class 2 or 3 fences may be erected in front yards 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 county 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, except as herein provided.
  2. The location, height, and type of all fences and/or walls within any area zoned with a PUD or MHP Overlay shall be as approved by the planning commission.
  3. A class 5 fence may be utilized to screen patios which do not exceed 800 square feet. Such fences shall not be located within 20 feet of a property line. The zoning administrator may also allow a Class 5 solid perimeter fence in unusual circumstances for good cause shown, where the Class 5 fence will not be contrary to the architectural appearance, orientation or location of existing structures in the neighborhood, or otherwise contrary to the public health, safety or welfare. All new fences that are installed pursuant to the authority of the last sentence must be of the shadow box style, unless the fence that is requested is a continuation or replacement of an existing legal fence; and, in that event, the Class 5 fence that is permitted must be of the same type and material, style and construction that was used in the existing fence that is being continued.
  4. All municipal property is exempted from the class 5 restrictions.
  5. 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 yard, 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. Class 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.

6. On lots having an area of at least ten (10) acres and that have a width of at least three hundred fifty (350) feet at the building setback line, an ornamental structure (inclusive of ornamental, wooden, and masonry structures, planters, hedges, etc.) where used and developed as an integral part of landscaping of the lot, may be permitted according to the following (refer to Figure 1A):

- a. The average height of any ornamental structure shall not exceed sixty (60) inches although the actual height may vary along any continuous section. Columns within the ornamental sixty (60) inch limitation may be seventy-two (72) inches in height but are limited to thirty-six (36) inches in width. In addition, one section of the structure, not to exceed twenty-five (25) feet in length, may be permitted up to a maximum height of one hundred eight (108) inches.
- b. In addition, to facilitate drainage from the structure, the structure may utilize an earthen berm as a base for the structure. Such berm shall not exceed twenty-four (24) inches in height which height shall not be counted against the maximum height of the structure.
- c. The ornamental structure must be set back a minimum of ten (10) feet from the street right-of-way line.

7. The length of any ornamental structure shall be as follows:

- a. 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.
- b. Along or approximately parallel to the side property line (between the front property line and the front setback line of the residence): Not greater than one-half (1/2) the total distance between the front property line and the building setback line, on each side of the lot.
- c. Along or approximately parallel to all other property lines not described in 7., a. or 7., b. above: No restrictions as to length.

**SECTION 13.4 COMMERCIAL, INSTITUTIONAL, 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 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 minimum front yards, fences of classes 1, 2, 3, 4, 5, or 6 may be erected up to a maximum height of 48 inches (except as noted in Section 13.0).
- B. Except as noted in Section 13.0, fences of classes 1, 2, 3, 4, 5, or 6 may be erected up to a maximum height of eighty-four (84) inches in all industrial zones in side and rear yards and not more than forty-eight (48) inches in height in the minimum front yard depth. Except for the I-P Zone, classes 2 or 3 fences may be erected up to a maximum height of seventy-two (72) inches in the minimum front yard depth in all industrial zones.

**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, barbed wire or sharp pointed fences, where permitted, must start a minimum of sixty (60) inches above ground level, except that said fences may be located in areas used for agricultural purposes without any restrictions to height.

**SECTION 13.7 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 13.8 ELECTRIFIED FENCES:**

No fence carrying an electrical charge shall be permitted in zone, except when such fence is used in conjunction with an agricultural use and provided the fence is not located along the perimeter with adjacent property or street.

**SECTION 13.9 PERMIT REQUIRED FOR ERECTION OF FENCES:** 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.

**SECTION 13.10 STRUCTURAL ELEMENTS OF FENCES:** Fences shall be constructed so that all structural members shall be located on the inside of the fence. The inside shall be the side which faces the property owned by the person building the fence.

**SECTION 13.11 DILAPIDATED FENCES:** If 30% or more of a fence is gone or in disrepair, the entire fence must be removed or repaired.

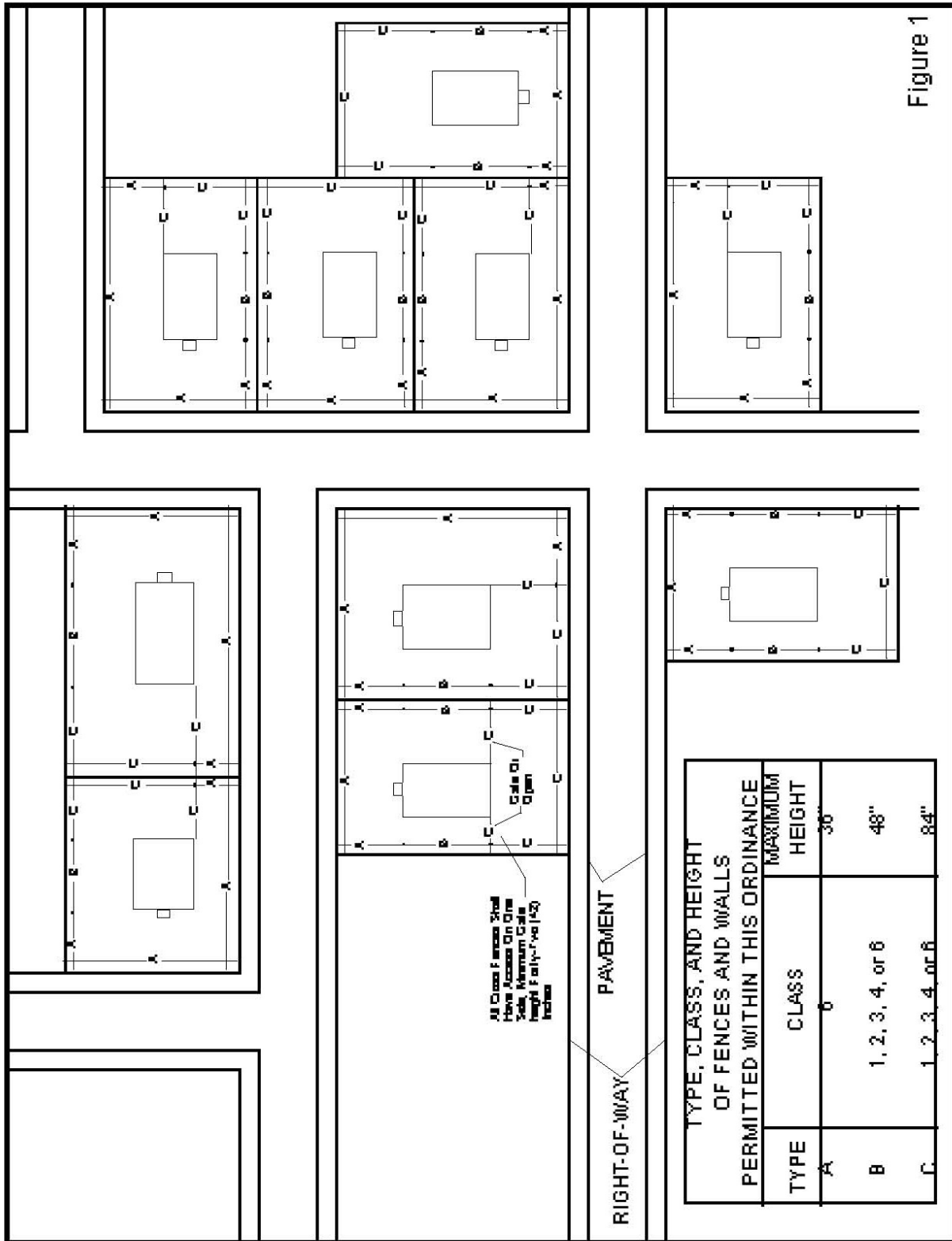


Figure 1

