

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, wood, or polyvinyl chloride (PVC)) (eighty (80) percent open)
 3. 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

SECTION 13.2 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 MHP Overlay shall be as approved by the planning commission.
 3. Non-residential uses conditionally permitted in any residential zone shall conform to the same requirements identified within Section 13.3, A., 1., with the following exceptions:

- a. General purpose recreational areas may be enclosed with fences or walls of Class 1, 2, 3, or 6, up to a maximum height of ninety-six (96) inches.
 - b. Class 3 fences 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.
 - c. In the case of corner lots, as governed by Section 13.0, fences of class 2 only may be erected, as regulated by the applicable provisions of this section.
4. Privacy Screens: A privacy screen used in conjunction with a patio area, may be constructed up to a height of seventy-two (72) inches, providing such a screen does not extend into the minimum side yard.

SECTION 13.3 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 classes 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, 3, or 4 only, may be erected up to a maximum height of seventy-two (72) inches.
 1. No fence shall be permitted within the front yard.
- 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.
 1. No fence shall be permitted within the front yard.

SECTION 13.4 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 13.5 HEIGHT OF ANY BARBED WIRE OR SHARP POINTED FENCES

-
- A. In all Industrial Park (IP) Zones, barbed wire or sharp pointed fences are permitted provide said fence starts a minimum of seventy-two (72) inches above ground level.
 - B. Barbed wire or sharp pointed fences may be located in areas used for agricultural purposes without any restriction to height.

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 carrying an electrical charge shall be permitted in any 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.

SECTION 13.8 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 13.9 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.

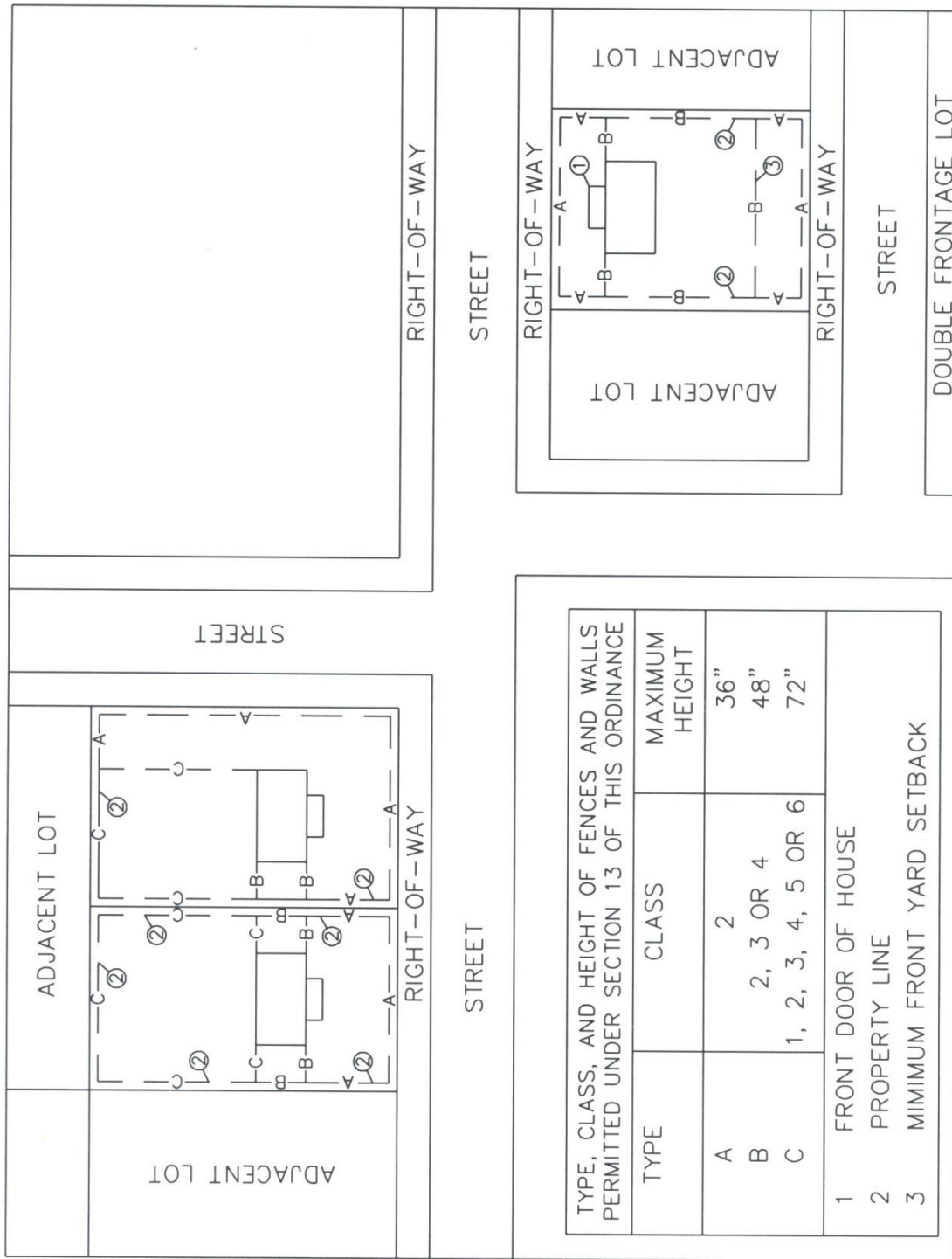


FIGURE 1