

## 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 or wood) (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 GENERAL REGULATIONS

- A. CORNER LOTS: Except as herein provided, fences may extend to the minimum side yard setback, on the side street side, or to the corner of the building, whichever is closer.
- B. DOUBLE FRONTAGE LOTS: Except as herein provided, a fence of class 1, 2, 3, 4, 5, and 6 may extend only to the minimum front yard setback, for that zone.

#### SECTION 13.3 CONSERVATION ZONE

- A. Fences and/or walls within the conservation zone shall conform to the following requirements:
1. Side and rear yard, class 1, 2, 3, 4, 5, 6 fences and/or walls may be erected up to a minimum height of ninety-six (96) inches.

2. Class 8 walls shall be permitted but shall conform to requirements of the Corps of Engineers and/or engineer, whichever is applicable.

### **SECTION 13.4 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 Overlay shall be as approved in the development plan.
  3. For all non-residential uses conditionally permitted in any residential zone herein, the requirements are as follows:
    - a. Classes 1, 2, 3, 4, 5, 6 fences and/or walls may be erected in side or rear yards, 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, 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 or 4 only may be erected, as regulated by the applicable provisions of this section.
  4. For all permitted and conditionally permitted uses in any residential zone herein, a class 2 fence may be permitted within the front yard according to the following requirements:
    - a. May only be located parallel to, and along, the side lot line.
    - b. May not exceed four (4) feet in height.
  5. For all permitted uses in all single family residential zones herein, Class 2, 3, or 4 fences may be conditionally permitted within the front yard on corner lots according to the following requirements:

- a. Shall not exceed four (4) feet in height
- b. Shall not be located closer to the front property line than half the minimum front yard setback distance
- c. Shall comply with Section 13.0 for vision clearance at corners
- d. Shall only be located on the side street of the residence

**SECTION 13.5 MIXED USE ZONES:** In any zone where both residential and nonresidential uses are allowed, the fence, wall, and obstruction to view regulation and responsibilities applicable to any particular parcel or land use shall be determined as follows: (1) if specific fence, wall, and obstruction to view regulations are provided in the zoning district, those regulations shall be applied; or (2) if no fence, wall, and obstruction to view regulations are provided in the zoning district, residential uses shall be treated as if they were located in a zone where a use of that type would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit.

**SECTION 13.6 COMMERCIAL, INSTITUTIONAL, INDUSTRIAL, AND RECREATION ZONES:** Fences and/or walls within all commercial, institutional, industrial, and recreation 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, institutional, and recreation 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.
  1. No fence shall be permitted within the minimum front yard, except those fences required by Section 9.18 of this ordinance.
- 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 within the BP-1 and IP-2 Zones.

**SECTION 13.7 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 13.8 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 13.9 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 13.10 ELECTRIFIED FENCES:**

No fence carrying an electrical charge shall be permitted in any zone.

**SECTION 13.11 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 13.12 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.

