

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 rights-of-way line 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 percent (80%) open);
3. Woven wire (eighty percent (80%) open); and chain link;
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;
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 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 that where a fence is required around a swimming pool pursuant to Section 9.17, the fence may be of greater height and of a type not otherwise permitted in this section, so as to meet the minimum requirements of Section 9.17. In the case where 51% or more of lots in the same block on the same side of the street have been developed with fences in front yards which are greater in height than that permitted by this section, new fences in front yards in that block shall be permitted to equal the height of the majority of the higher existing fences.
 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. 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, or 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 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 back-stops for baseball and/or softball fields up to a maximum height of one hundred and forty-four (144) inches; and
 - (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 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 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 84 inches in all industrial zones in side and rear yards and not more than 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 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

- A. 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 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 13.9 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 property 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.

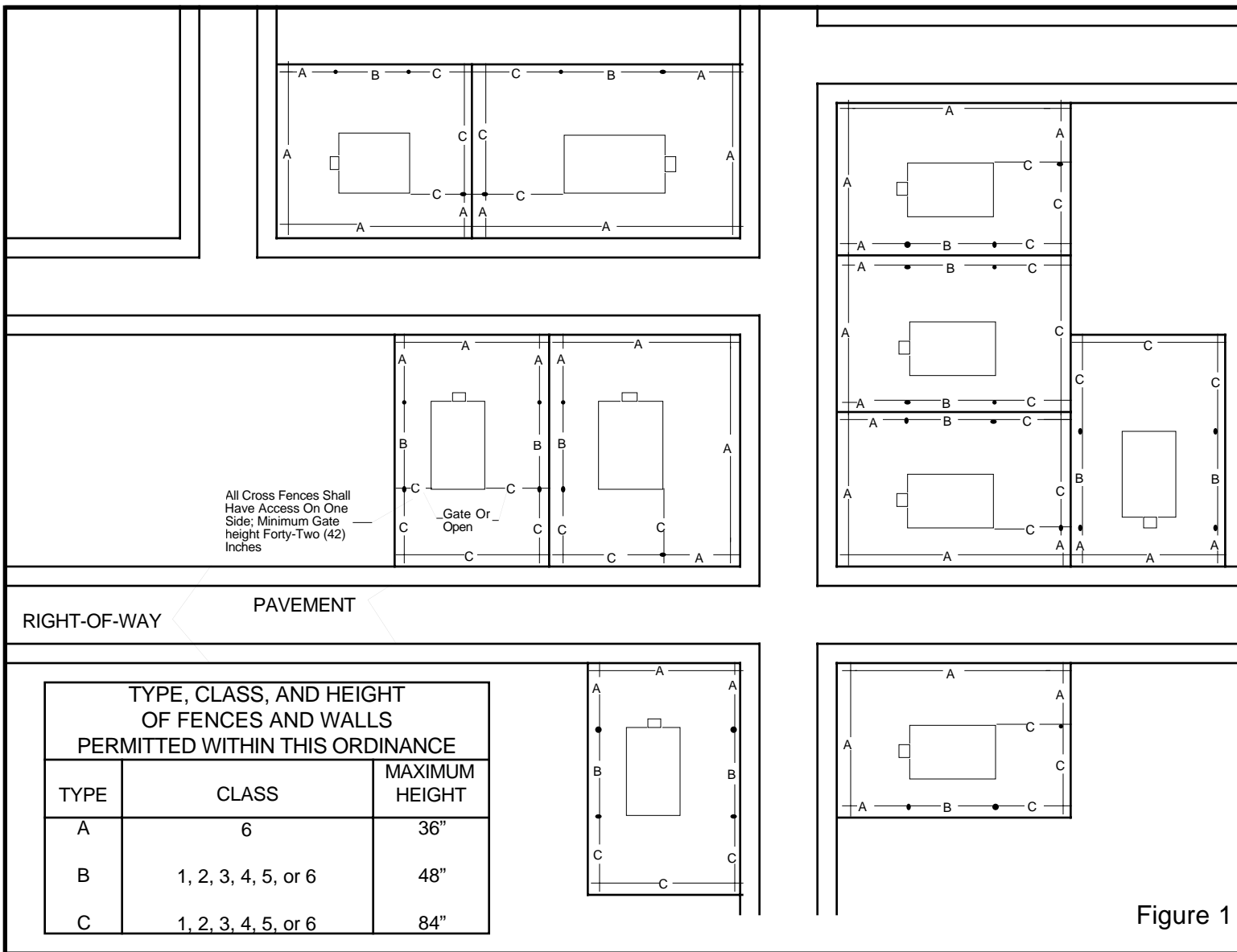


Figure 1