

5.6.9 FENCES AND WALLS

5.6.9.1 LIVING FENCE

Shrubs and trees planted for the purpose of creating a living fence shall be planted so that the trunk or main stem of the plant is no closer than three feet (3') from any property line. A living fence is not limited to the height requirements of other fences and no building permit is needed.

5.6.9.2 CONSTRUCTED FENCE

5.6.9.2.A *Placement*: Fences may be erected along property lines (except living fences as noted above) or within yards, irrespective of the setback requirements of this *Ordinance*.

5.6.9.2.B *Fence Approval*:

(1) Fences or walls over six (6) feet in height require a building permit. No fence, wall, or structural screen other than plant material shall be erected higher than eight (8) feet except as noted below.
(2) No site plan review is required for a fence which conforms to *Ordinance* standards.

(3) The Zoning Administrator may require the removal, reconstruction, or repair of any fence, living fence, wall or screen not in good condition. The removal reconstruction or repair can be a condition of any application for approval under this *Ordinance*.

5.6.9.2.C *Fence Standards*:

(1) Fences in DT-3, DT-2, R-2, and W-MU districts shall not contain barbed wire or chain link fences with sharp wire edges exposed, except as otherwise stated below.

(2) No fence, wall, planting, or structure shall, within the clear vision area described in Section 5.4.5.3, be of such a nature as will impede clear vision of an intersecting sidewalk, street, alley, or driveway.

(3) In DT-3, DT-2, R-2, and W-MU districts, fences located in the front yard or between the front lot line and

the building line shall not exceed four (4) feet in height, measured along the average grade of an unbroken run. Except in a clear vision area (as in Section 5.4.5.3), fences in the front yard may be solid

for not more than three (3) feet in height.

(4) In DT-3, DT-2, R-1, R-2, and W-MU districts, fences located in a required side yard or rear yard shall not

exceed six (6) feet in height (except as stated below) measured along the average grade of an unbroken

run. Fences in the rear and side yards may be solid, and may extend from the side lot line to the side of

the principle structure, but shall not occupy the portion of the front yard in front of the principle structure unless in compliance with (3) above.

(5) In all districts, a security fence surrounding a public utility, police, or correctional facility may extend to

eight feet (8') in height and may contain barbed wire or chain link fences with sharp wire edges and be

located within a required side yard, rear yard, or front yard. The barbed wire cannot exceed eighteen

(18) inches in height, and must be located on top of and may be in addition to the eight (8) foot height

fence. The barbed wire shall slant inwards toward the property or be straight up. Security fences with barbed wire in any other location or surrounding any other use require approval by the Planning Commission.

(6) No fence shall be constructed or maintained which is charged or connected with an electrical current.

(7) To allow for snow storage adjacent to alleys, all fences hereafter erected adjacent to an alley shall be set back a minimum of 3 feet from the property line.

(8) Decorative or ornamental sides of fences or walls shall face the adjoining properties (face the outside).

5.6.9.2.D *Exceptions to Screening and Fencing Standards:*

(1) Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.

(2) Any fence, landscape screen, wall, or hedge which does not conform to this *Ordinance* and which legally exists at the effective date of this *Ordinance* may be continued and maintained, provided there is no physical change other than necessary maintenance and repair; unless otherwise regulated by this *Ordinance*.