16.18.030 - Regulations regarding fences.

A. General. The installation, replacement, alteration, relocation and maintenance of fences and walls in the village shall conform to the regulations of this section.

B. Permit Required.

1. Unless otherwise provided in this section, no fence or wall shall be installed, altered, replaced, erected, re-erected or moved for any reason within the Village prior to receiving a permit therefor.

2. Applications for permits shall be in writing on such application form provided by the Village. The following information shall be submitted with each permit application:

a. An accurate plat of survey or other accurate and scaled drawing indicating:

i. The exact location of the proposed fence or wall;

ii. The property lines;

iii. The distance of the proposed fence or wall to the property lines;

iv. The location and dimension of all structures existing on the site (including the primary building, all accessory buildings, and all existing fencing);

v. The easements; and,

vi. The street lines, driveways, sidewalks and walkways.

b. Detailed specifications of the fence or wall including the fence type, height, and construction materials;

c. A Homeowners Association approval letter, if applicable.

d. If a fence is proposed to be installed along a property line and attached to an existing fence along the lot line of an adjoining lot, the applicant shall first secure the written permission for such attachment, in affidavit form, from all the owners of such adjoining lot and present the same with his or her application for permit.

3. No permit shall be issued until it has been approved for zoning compliance by the Zoning Administrator or his or her designee.

4. No permit shall be issued until after the permit fee has been paid in full.

C. Impact on Drainage. No fence or wall shall inhibit or alter drainage (i.e. flow of storm water or surface water) through drainage ditches or over public utility and/or drainage easements.

1. Fences in easements: The village shall have the right, but not the obligation, to remove, relocate, or alter a fence or wall located in an easement if the potential exists to impede or alter the surface water drainage of the property or any other property. If a fence or wall needs to be removed to obtain access to utilities or for the maintenance of drainage for any reason, the village is not responsible for replacement or repair of the fence, wall or any other homeowner improvements located within the easements.

2. Grading restoration: When a fence is installed, all spoils shall be removed from the property and the grading shall be restored to its original state. The soil spoils which are removed shall not be spread under the fence or in any drainage easement.

D. Impact on Visibility. No fence or wall shall obstruct visibility at the intersection of two or more roadways and/or driveways. There shall be no significant obstruction to visibility located above three feet in height within the following areas:

1. A sight triangle having legs of twenty-five (25) feet along the right-of-way lines when two streets intersect.

2. A sight triangle having legs of ten (10) feet along the right-of-way line and the driveway edge when a street and a driveway intersect.

E. Structural Elements.

1. All fence posts, support framework, and structural elements shall face the interior of the property upon which the fence is erected, and shall not face a public street or neighboring property.

2. Fences shall not utilize barbed wire, spikes or other sharp, pointed material in their construction.

3. Fence posts, including decorative elements attached thereto, may exceed the maximum fence height limits by not more than six inches.

4. Fence posts must be buried a minimum of thirty (30) inches and be structurally stable.

5. Berming or mounding of earth directly below a fence for the sole purpose of increasing the height of a fence, as determined by the Zoning Administrator, is prohibited. Nothing in the previous sentence shall prohibit the permitting and installation of an otherwise code-compliant fence on the level area at the top of a retaining wall or berm constructed for the purpose of leveling or terracing a yard in compliance with the grading standards in the Subdivision Code.

F. Definitions. For the purpose of this section the following definitions shall apply.

1. "Chain Link Fence" means a fence constructed of chain link fabric of 11-gauge wire or heavier that is finished at all edges.

2. "Decorative Fence" means a temporary fence-like device typically used to decorate the edge of gardens or landscaping and which does not exceed sixteen (16) inches in height. The use of decorative fencing does not require a permit.

3. "Fence" means a manmade structure of wood, metal, masonry, plastic, or other synthetic material(s) designed, used, erected and affixed to real estate for the purpose of defining, enclosing or separating any portion of the real estate from adjoining land whether or not such fence is located on the boundary line of the property to which it appertains. A fence may include gates.

4. "Open Fence" means a fence which has uniform openings throughout the fence representing at least seventy percent (70%) of the surface area of the fence when viewed at a right angle to the fence.

5. "Picket Fence" means a fence with vertically-run members (pickets) which have uniform openings throughout the fence representing at least forty percent (40%) of the surface area of the fence when viewed at a right angle to the fence.

6. "70% Open Picket Fence" means a fence with vertically-run members (pickets) which have uniform openings throughout the fence representing at least seventy percent (70%) of the surface area of the fence when viewed at a right angle to the fence.

7. "Privacy Fence" means a solid fence with vertically-run members with little or no space between the members, with all fence boards rubbing along the same plane.

8. "Shadow Box Fence" means a fence where vertical members are alternated on two different planes creating the overall look of a solid fence.

9. "Silt or Erosion Control Fence" means a temporary sediment control device typically used on construction sites to control the movement of soil. Such fences commonly consist of pieces of approximately two-foot tall filter fabric supported by wooden or metal stakes. Such fences do not require a permit according to Section 16.18.030.B, but shall only be allowed in conjunction with a valid building permit for construction on the site where the fence is located.

10. "Solid Fence" means a fence that has less than forty percent (40%) of the surface area in open space when viewed at a right angle to the fence.

11. "Split-Rail Fence" means an open fence with horizontal members running between vertical posts.

12. "Snow Fence" means a temporary fence typically used to force drifting of snow to occur in a predictable place, usually constructed of orange plastic attached to stakes at regular intervals or of a cedar or other lightweight woodstrip and wire frame attached to metal stakes. Such fences are only allowed for a maximum of five months in any calendar year.

13. "Temporary/Construction Fence" means a temporary barrier intended to be used for the purposes of public safety or security, crowd control, theft deterrent, or equipment storage. Such fences are typically used as security fencing for building sites, and commonly include temporary panels constructed of chain link. Such fences do not require a permit according to Section 16.18.030.B, but shall only be allowed in conjunction with a valid building permit for construction on the site where the fence is located.

14. "Tree Protection Fence" means a temporary fence used to prohibit encroachment of material, vehicles and construction equipment within the drip line of a tree to be preserved as specified in Section 16.80.190, and usually constructed of the same material as Snow Fence. Such fences do not require a permit according to Section 16.18.030.B, but shall only be allowed in conjunction with a valid building permit for construction on the site where the fence is located, or such additional time as required for tree preservation at the discretion of the Village Engineer.

15. "Wall" means a solid fence constructed of masonry.

16. "Wrought Iron Fence" means an open fence traditionally constructed of wrought iron. The fence may consist of other metal, PVC, or anodized aluminum possessing similar aesthetic characteristics to wrought iron.

G. Fences in Residential Districts.

1. Permitted Fences.

a. Chain link fence.

b. Picket fence.

c. Privacy fence.

d. Shadow box fence.

e. Split-rail fence.

f. Wall.

g. Wrought iron fence.

2. Types of Lots.

a. Interior lots, as defined in Chapter 16.04.

b. Corner lots, as defined in Chapter 16.04.

c. Double Frontage lots, as defined in Chapter 16.04.

3. Types of Yards.

a. Front Yards, as defined in Chapter 16.04.

b. Secondary Front Yards, as defined in Chapter 16.04.

c. Side Yards, as defined in Chapter 16.04.

d. Rear Yards, as defined in Chapter 16.04.

4. Fences on Interior Lots.

a. Fences in Front Yards.

i. Permitted fences: Split-rail, wrought iron, seventy percent (70%) open picket fence.

ii. Maximum Height: Three feet.

iii. Fences which do not enclose any portion of the front yard are allowed along and within one foot of the side lot line and located a distance of not less than five feet from the front lot line (street line).

iv. Fences are allowed which are placed within five feet of the front wall of the principal building but not extending beyond the corner of the building.

b. Fences in Side Yards.

i. Permitted Fences: Chain link, picket, privacy, shadow box, split-rail, wall, wrought iron.

ii. Maximum Height: Six feet.

iii. Setback: Zero feet.

c. Fences in Rear Yards.

i. Permitted fences: Chain link, picket, privacy, shadow box, split-rail, wall, wrought iron.

ii. Maximum Height: Six feet.

iii. Setback: Zero feet.

5. Fences on Corner Lots.

a. Fences in Front Yards.

i. Permitted fences: Split-rail, wrought iron, seventy percent (70%) open picket fence.

ii. Maximum Height: Three feet.

iii. Fences which do not enclose any portion of the front yard are allowed along and within one foot of the side lot line not parallel with a street frontage, and located a distance of not less than five feet from the front lot line (street line).

iv. Fences are allowed which are placed within five feet of the front wall of the principal building but not extending beyond the corner of the building.

v. Fences which do not enclose any portion of the front yard are allowed at only (1) or (2), but not both, of the following locations:

(1) Along a line or portion thereof from the corner of the house nearest the intersection of two streets towards the corner of the lot nearest the intersection and located a distance of not less than two feet from the front lot lines (street lines), which distance shall be measured along a line perpendicular thereto; or

(2) Within ten (10) feet on either or both sides of the corner of the lot nearest the intersection of two streets and placed on the lot parallel with the street within an area of not less than two feet nor more than five feet from the lot line.

b. Fences in Secondary Front Yards.

i. Fences which do not exceed four feet and two inches in height.

(1) Permitted fences: Picket, split-rail, wrought iron.

(2) Setback from the secondary front (secondary street) property line: Five feet.

(3) Setback from the front (primary street) yard line: Zero feet from the front yard line or fifteen (15) feet from the front (primary street) property line, whichever is greater.

(4) Setback from the rear property line: Zero feet.

ii. Fences greater than four feet and two inches in height which do not exceed five feet in height.

(1) Permitted fences: Picket, privacy, shadow box, split-rail, wall, wrought iron.

(2) Setback from the secondary front (secondary street) property line: A distance equal to the secondary front yard setback requirement for the zoning district in which the fence is to be located, or fifteen (15) feet, whichever is greater.

(3) Setback from the front (primary street) yard line: Zero feet from the front yard line or fifteen (15) feet from the front (primary street) property line, whichever is greater.

(4) Setback from the rear property line: Zero feet.

c. Fences in Side Yards—Interior Lot Line.

i. Permitted Fences: Chain link, picket, privacy, shadow box, split-rail, wall, wrought iron.

ii. Maximum Height: Six feet.

iii. Setback: Zero feet.

d. Fences in Rear Yards.

i. Permitted fences: Chain link, picket, privacy, shadow box, split-rail, wall, wrought iron.

ii. Maximum Height: Six feet.

iii. Setback: Zero feet.

6. Fences on Double Frontage Lots.

a. Fences in Front Yards.

i. Permitted fences: Split-rail, wrought iron, seventy percent (70%) open picket fence.

ii. Maximum Height: Three feet.

iii. Fences which do not enclose any portion of the front yard are allowed along and within one foot of the side lot line and located a distance of not less than five feet from the front lot line (street line).

b. Fences in Side Yards.

i. Permitted Fences: Chain link, picket, privacy, shadow box, split-rail, wall, wrought iron.

ii. Maximum Height: Six feet.

iii. Setback: Zero feet.

c. Fences in Rear Yards.

i. Permitted fences: Chain link, picket, privacy, shadow box, split-rail, wall, wrought iron.

ii. Maximum Height: Six feet.

iii. Setback: Zero feet.

7. Dog Runs:

a. Allowed in rear yards only.

b. Permitted fences: Chain link, picket, privacy, shadow box, split-rail, wall, wrought iron.

c. Setback: Five feet from all property lines.

d. Shall not exceed twenty-five (25) feet in length, five feet in width, six feet in height.

e. Splitting of a dog run into multiple units is not permitted.

f. Dog runs are only allowed in the OTR, R-1, R-2, R-2-A, and R-3 zoning districts.

8. Patio decorative or privacy screens:

a. Allowed in rear yards only.

b. Maximum Height: Eight feet.

c. Setback from the rear property line: Ten (10) feet.

d. Setback from the side property line: Not less than the actual distance from the principal building to the side property line.

e. Setback from the secondary front (secondary street) property line: Not less than the actual distance from the principal building to the secondary front (secondary street) property line.

f. Setback from the principal building: Three feet.

9. Fences in the R-4-A zoning district:

a. Fences in front yards and secondary front yards in the R-4-A district shall comply with the applicable regulations elsewhere in this section, except that privacy fences and walls not exceeding six feet in height for the screening of wheeled trash carts may be permitted in compliance with Section 8.08.070.

b. Fences in side yards in the R-4-A district shall comply with the applicable regulations elsewhere in this section, with the following exceptions:

i. Fences that are generally parallel to a side lot line shall be located within one-foot of the lot line (i.e. anywhere between zero inches and twelve (12) inches away from the lot line).

ii. Back-to-back fences are prohibited, and fences shall not be installed in such a way to leave a gap or alleyway between fences on adjacent properties.

c. Notwithstanding the regulations elsewhere in this section, fences in rear yards in the R-4-A district shall limited to the following:

i. Fences intended to function as patio, decorative, or privacy screens not exceeding six feet in height are allowed parallel to the side lot lines (i.e. anywhere between zero inches and twelve (12) inches away from the lot line), and extending a distance of not more than six feet from the primary structure.

ii. Privacy fences and shadow box fences not exceeding six feet in height are allowed parallel to and within one-foot of the side and rear lot lines of any lot (i.e. anywhere between zero inches and twelve (12) inches away from the lot line).

iii. All other rear yard fences in the R-4-A district shall be limited to four feet and two inches in height.

iv. Back-to-back fences are prohibited, and fences shall not be installed along a rear or side lot line in such a way to leave a gap or alleyway between fences on adjacent properties.

d. The zoning administrator may require, in his or her discretion, the installation of access gates within fences that cross or enclose any portion of a utility easement in the R-4-A district, to allow access by utility companies.

e. If any fence post in the R-4-A district is removed from the ground, or if any fence panel in the R-4-A district is detached from any fence post, the post or panel shall not be reinstalled except in compliance with this subsection.

H. Fences in Non-Residential Districts.

1. Permitted Fences.

a. Chain link.

b. Picket fence.

c. Privacy fence.

d. Shadow box fence.

e. Split-rail fence.

f. Snow fence.

g. Temporary/construction fence.

h. Wall.

i. Wrought iron fence.

2. Types of Lots.

a. Interior lots, as defined in Chapter 16.04.

b. Corner lots, as defined in Chapter 16.04.

c. Double Frontage lots, as defined in Chapter 16.04.

3. Types of Yards.

a. Front Yards, as defined in Chapter 16.04.

b. Secondary Front Yards, as defined in Chapter 16.04.

c. Side Yards, as defined in Chapter 16.04.

d. Rear Yards, as defined in Chapter 16.04.

4. Fences on Interior Lots.

a. Fences in Front Yards.

i. Permitted fences: Snow fence, temporary/construction.

ii. Maximum Height: Eight feet.

iii. Setback: Zero feet.

b. Fences in Side Yards.

i. Permitted fences: Chain link, picket, privacy, shadow box, split-rail, snow fence, temporary/construction, wall, wrought iron.

ii. Maximum Height: Eight feet.

iii. Setback: Zero feet.

c. Fences in Rear Yards.

i. Permitted fences: Chain link, picket, privacy, shadow box, split-rail, snow fence, temporary/construction, wall, wrought iron.

ii. Maximum Height: Eight feet.

iii. Setback: Zero feet.

5. Fences on Corner Lots.

a. Fences in Front Yards.

i. Permitted fences: Snow fence, temporary/construction.

ii. Maximum Height: Eight feet.

iii. Setback: Zero feet.

b. Fences in Secondary Front Yards.

i. Permitted fences: Snow fence, temporary/construction.

ii. Maximum Height: Eight feet.

iii. Setback: Zero feet.

c. Fences in Side Yards.

i. Permitted fences: Chain link, picket, privacy, shadow box, split-rail, snow fence, temporary/construction, wall, wrought iron.

ii. Maximum Height: Eight feet.

iii. Setback: Zero feet.

d. Fences in Rear Yards.

i. Permitted fences: Chain link, picket, privacy, shadow box, split-rail, snow fence, temporary/construction, wall, wrought iron.

ii. Maximum Height: Eight feet.

iii. Setback: Zero feet.

6. Fences on Double Frontage Lots.

a. Fences in Front Yards.

i. Permitted fences: Snow fence, temporary/construction.

ii. Maximum Height: Eight feet.

iii. Setback: Zero feet.

b. Fences in Side Yards.

i. Permitted fences: Chain link, picket, privacy, shadow box, split-rail, snow fence, temporary/construction, wall, wrought iron.

ii. Maximum Height: Eight feet.

iii. Setback: Zero feet.

c. Fences in Rear Yards.

i. Permitted fences: Chain link, picket, privacy, shadow box, split-rail, snow fence, temporary/construction, wall, wrought iron.

ii. Maximum Height: Eight feet.

iii. Setback from the rear (street) property line: the greatest of five feet from the property line, six feet from the sidewalk or pathway, or twelve (12) feet from the back-of-curb or edge of pavement of the roadway.

iv. Setback from the side property lines: Zero feet.

(Ord. 03-28 §§ 1 (part), 2 (part), 2003; Prior code § 5-7)

(Ord. No. 09-25, § 1, 6-2-2009; Ord. No. 11-52, §§ 2—4, 12-6-2011; Ord. No. 12-06, § 2, 2-7-2012; Ord. No. 14-21, § 3, 6-3-2014; Ord. No. 14-22, § 5, 6-3-2014)