

Section 15

FENCES

15.1 GENERAL PROVISIONS:

15.1-1 *Permit Required:* No fence shall be constructed without a permit first having been properly issued in compliance with this section by the Village for fencing on any property within the Village. The fee for a fence permit shall be determined by the Board of Trustees.

15.1-2 *Plans Required:* The Community Development Department shall require such plans and drawings as deemed reasonably necessary prior to issuance of a permit to assure compliance with this Zoning Code.

15.1-3 *Code Compliance Required:* All fences shall be constructed in conformance with the ordinances of the Village. The Community Development Department shall inspect same for compliance.

15.1-4 *Barbed Wire: Dangerous Fences Prohibited:* With the exception of Section 15.8 no fence shall contain any barbed wire or be constructed in any way to potentially cause injury to any person.

15.1-5 *Maintenance:* All fences shall be maintained and kept in good condition.

15.1-6 *Airport District 1 Restrictions:* Fences in the AD-1 District shall be allowed only per the airport regulations described in Chapter 26 of the Municipal Code.

15.1-7 *Definitions:* See Section 3 for definitions of Front Yard, Front Yard (side), Front Yard (rear), Front Yard (front), Side and Rear Yards, Through Corner Lot, Reversed Corner Lot, Interior Lot, Corner Lot, Through Lot, and Through (entire block) Lot.

15.1-8 *Nonconforming Fences:* All fences heretofore lawfully constructed and not conforming to the provisions hereof are declared legal nonconforming structures and may continue to exist, but shall not be reconstructed, or enlarged, and if rebuilt, must conform to existing codes.

15.1-9 *Prohibition:* No fence shall be permitted within any property front yard or front yard (front), other than corner fences, as allowed within this Section.

15.2 CONSTRUCTION STANDARDS:

A. All fences shall be constructed of one or more of the following materials: suitable plastic material (PVC, vinyl, and composite), wood that is treated or a species that is naturally resistant to withstand decay and rot, chain link, decorative aluminum, wrought iron, or other suitable material as approved by the Community Development Director or his/her designee.

B. All rails and supports shall be on the inside of the fence, such that the decorative side of the fence shall face outward from the property enclosed. Supports may also be internal to the fence so that both sides of the fence have the same decorative appearance.

C. All fence posts shall be installed a minimum of 42 inches below grade for five foot and taller fences. All fences less than five feet in height may have posts that are installed only 36 inches below grade. Posts shall be securely anchored in the ground by filling the post hole with concrete, by directly driving a metal post or post anchor into the ground, or by any other suitable method as approved by the Building Commissioner.

D. Fences, other than decorative corner fences, four feet in height or greater are allowed to encroach six inches above the maximum height for posts or ornamental caps on posts.

E. Where chain link fences are allowed, they shall be maintained in good condition.

F. A gate shall be provided along at least one fence line adjacent to a public street to allow access for emergency response personnel. The gate shall be a minimum of 36 inches in width. The gate shall be mounted in such a manner that the gate swings over private property of the lot where it is located and not over the public right-of-way. All gates provided for fencing around swimming pools must swing outward, away from the pool area.

15.3 PERMITTED FENCING

15.3-1 *Front yards:*

A. Corner fencing sections, such as split rails or pickets or other open type, shall be permissible, and

shall be at least 50% permeable to light and air, shall not include any backing, shall not exceed 12 feet in length along each property line, and shall be a maximum of 3 feet in height. The two sections must join together at an angle running parallel to the respective lot lines to form a corner (corner section), but no corner section may be closer than 10 feet to another corner section (See Illustration A). Corner fencing shall also be allowed in the front yard (front) for corner lots.

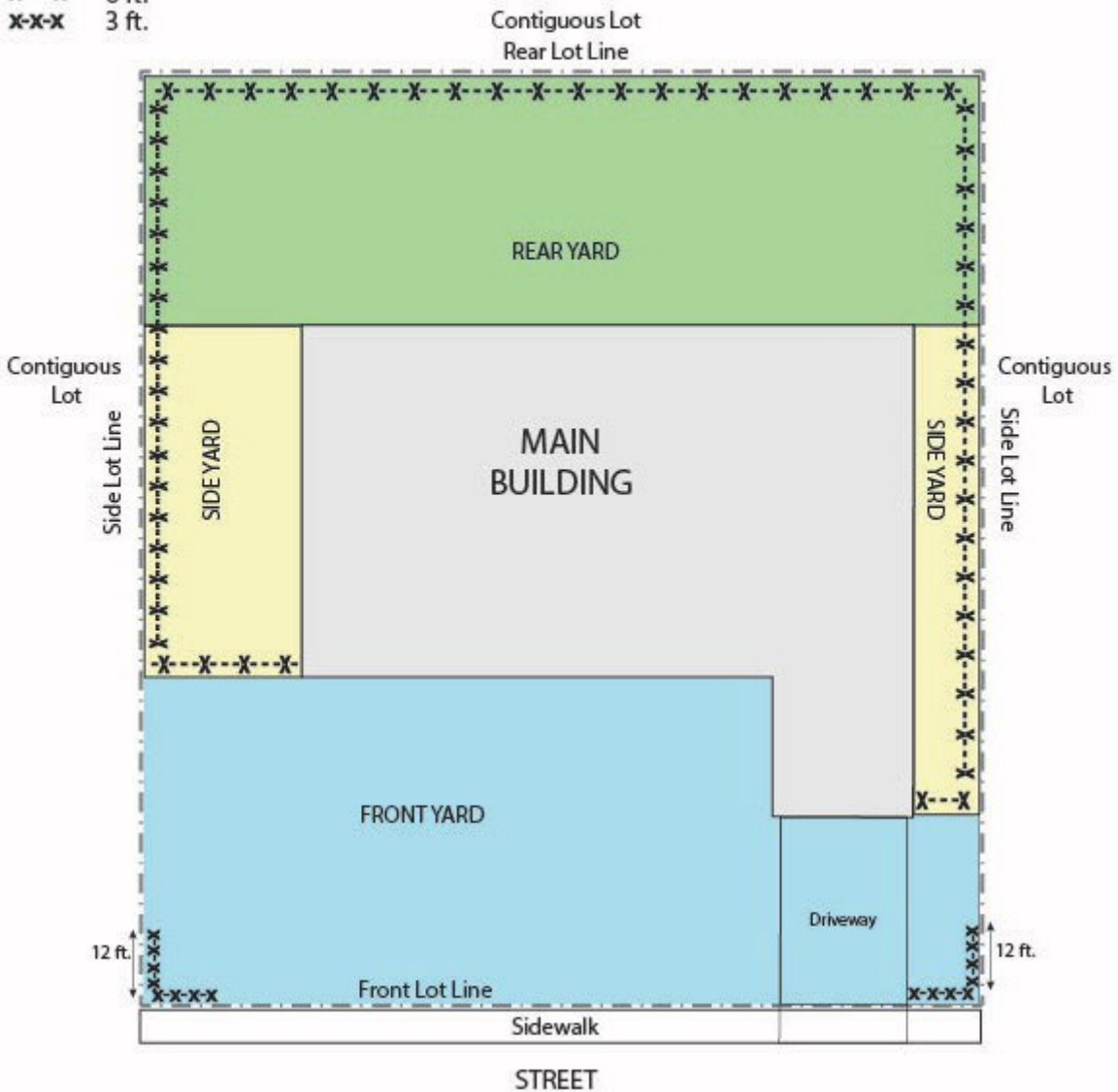
ILLUSTRATION A

Interior Lot

Allowable Fence Height

X--X 6 ft.

X-X-X 3 ft.



B. Fences within the front yard (side) which abut another front yard or front yard (side) on a *corner lot* may be up to 100 percent closed, shall not exceed

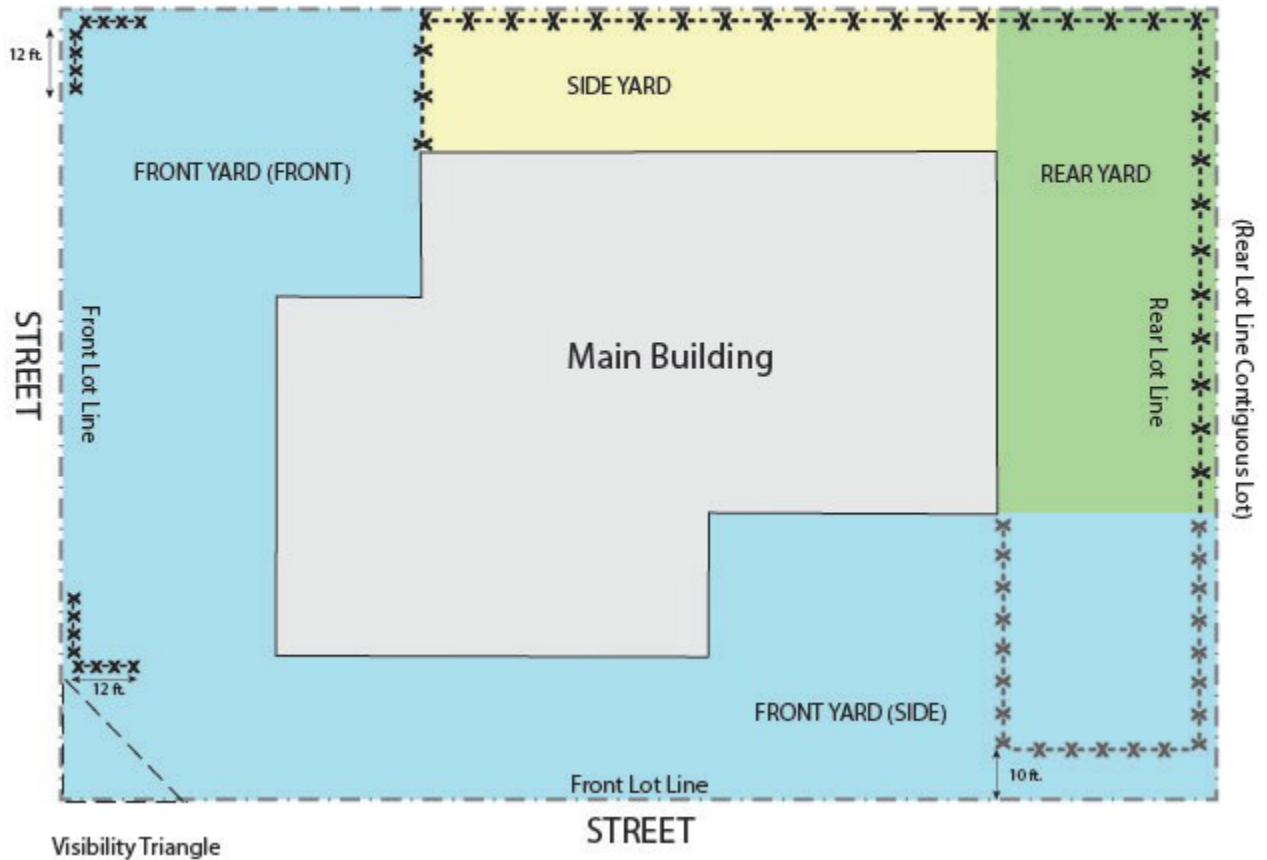
four feet in height, and shall not be closer than 10 feet to the front yard or front yard (side) property line. The fence must also be located behind or in line with the rear elevation of the building. Up to an additional foot may be added to the top the fence that is at least 30% open (lattice), (See Illustration B).

ILLUSTRATION B

Allowed Fence Height

- X--X 6 ft.
- X-X 4 ft. plus bonus
- XXX-X 3 ft.

Corner Lot (Rear Yards Abutting)



Visibility Triangle

- Allowed Fence Height
- X--X 6 ft.
 - X-X 4 ft. plus bonus
 - XXX-X 3 ft.

Corner Lot (Rear Yards Abutting) - Example



Visibility Triangle

C. Fences within the front yard (side) which abut a front yard or front yard (front) on a reversed corner lot may be up to 100 percent closed, shall not exceed four feet in height, and shall not extend closer to the front lot line or front yard (side) lot line than the applicable front yard or front yard (front) building setback line of the adjacent lot. Fences shall be located behind or in line with the rear elevation of the building. Up to an additional foot may be added to the top of the fence that is at least 30 percent open (lattice), (See Illustration C).

ILLUSTRATION C

Reverse Corner Lot (Rear & Side Yard Abutting)

Allowed Fence Height

- X--X 6 ft.
- X-X 4 ft. plus bonus
- x-x-x-x 3 ft.

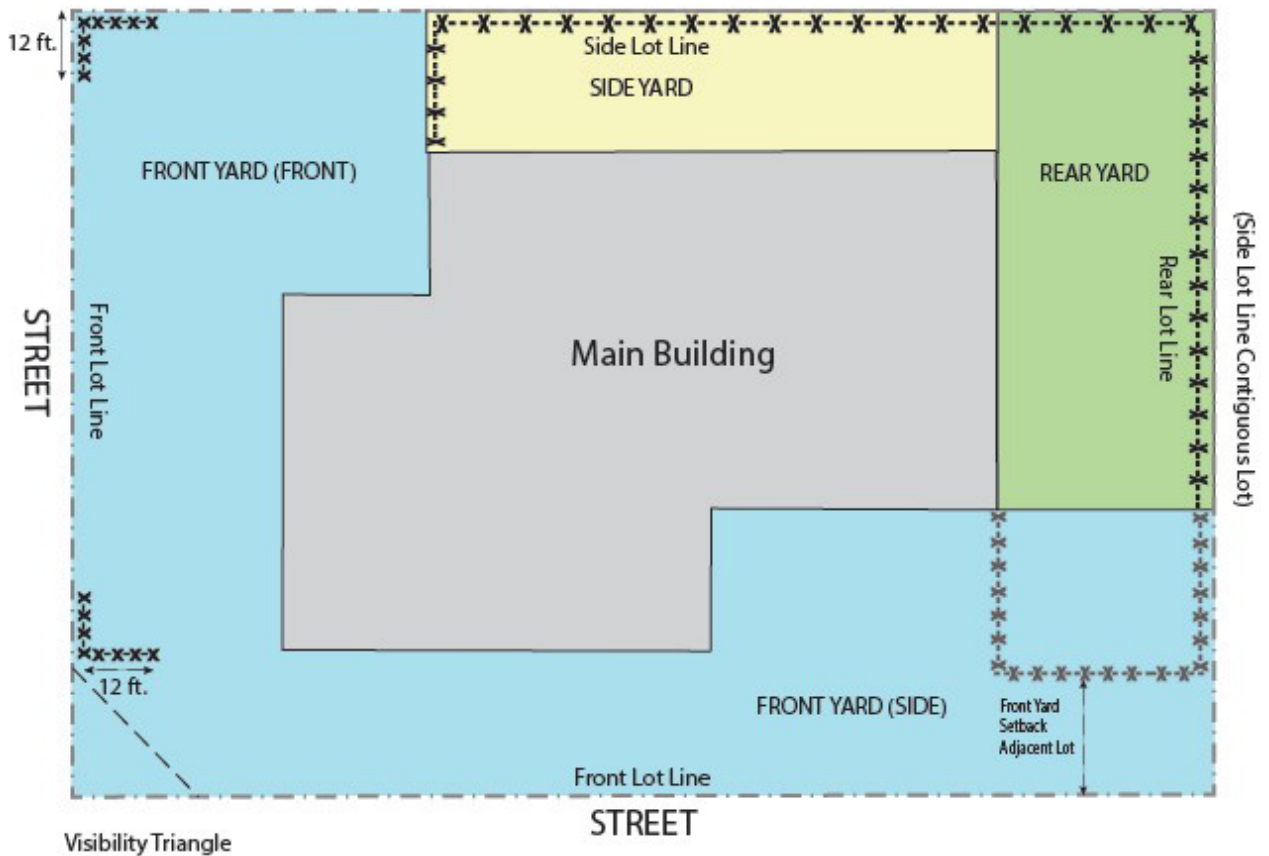
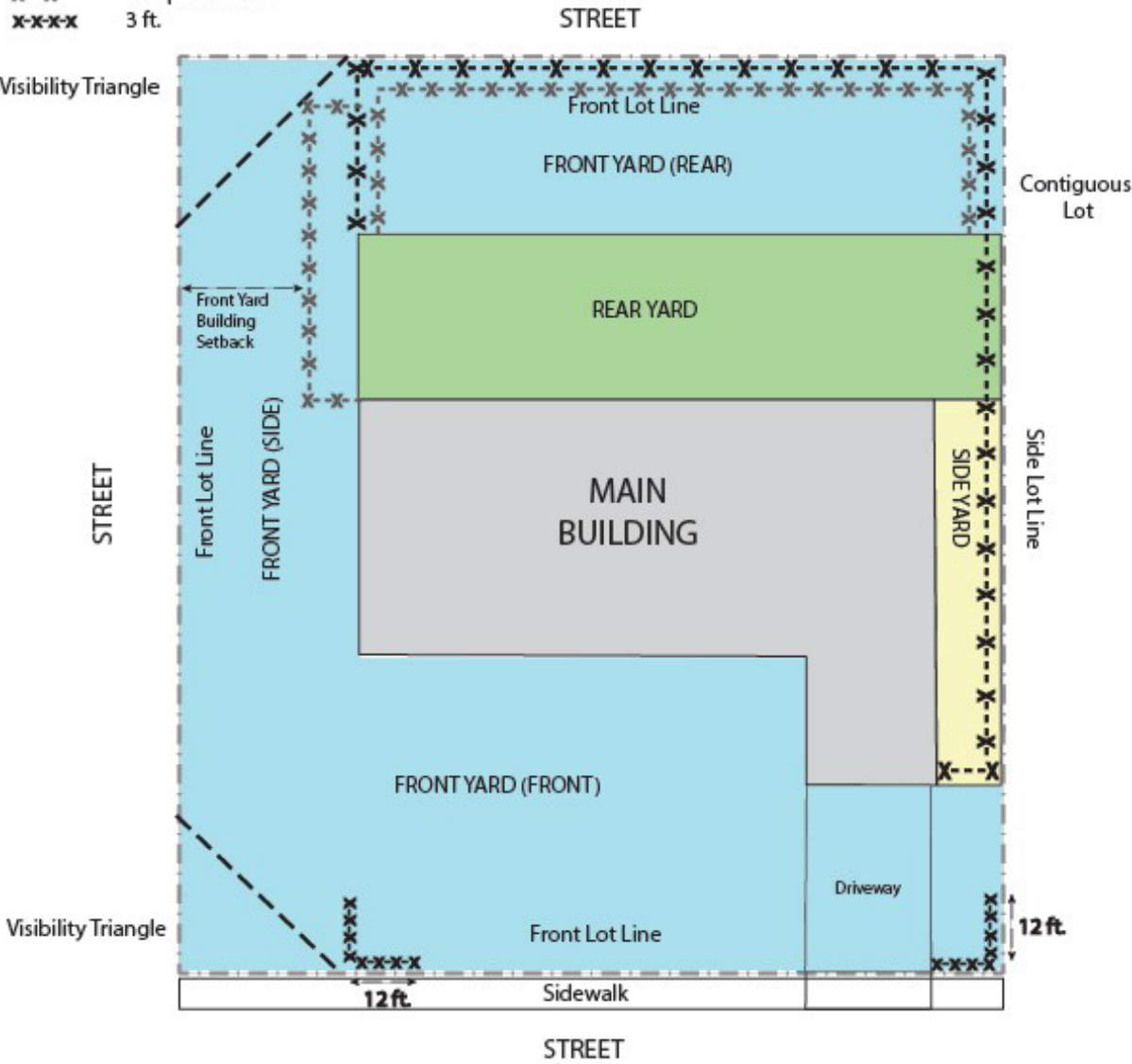


ILLUSTRATION D

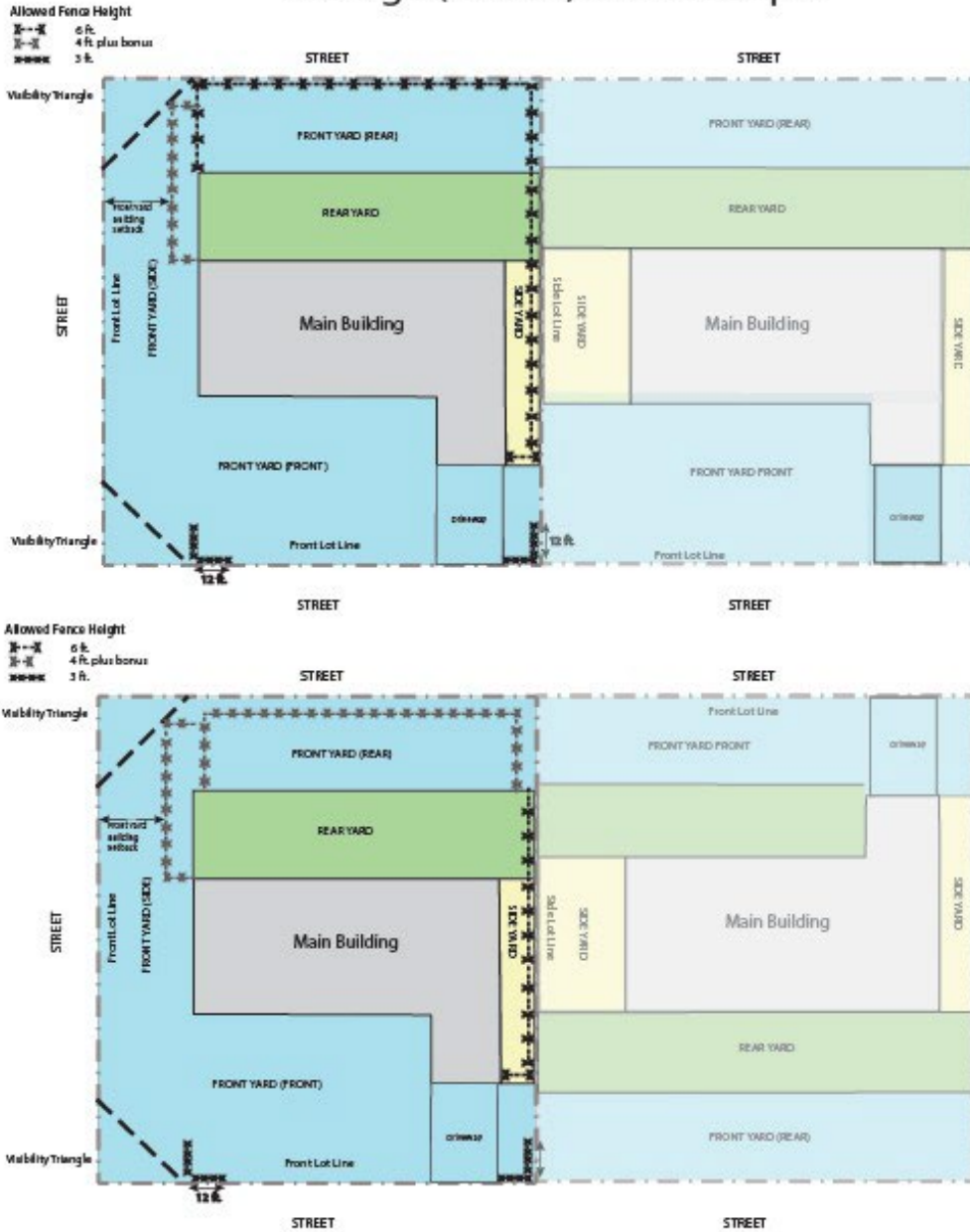
Through (Corner) Lot

Allowed Fence Height

- X---X 6 ft.
- X-X 4 ft. plus bonus
- XXXX 3 ft.



Through (Corner) Lot - Example



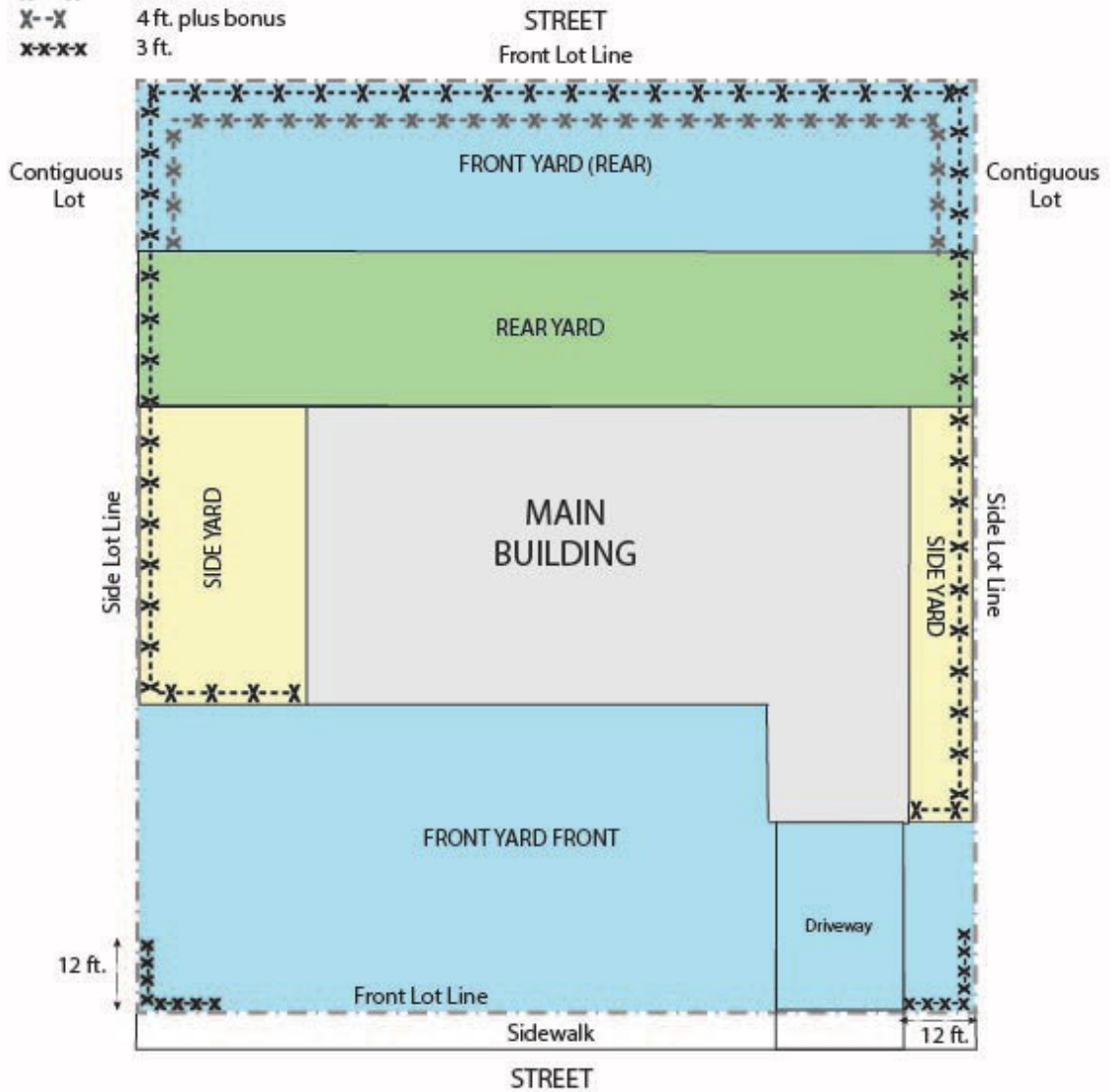
E. Fences contained within the front yard (rear) on an interior through lot, may be up to 100 percent closed and not exceed four feet in height if abutting a front yard or front yard (front). Up to an additional foot may be added to the top of the fence that is at least 30% open (lattice). Fences contained within the rear yard or where a front yard (rear) is contiguous to another front yard (rear) may be 100 percent closed and shall not exceed 6 feet in height, exclusive of posts or ornamental caps on posts (See Illustration E).

ILLUSTRATION E

Through (Interior) Lot

Allowed Fence Height

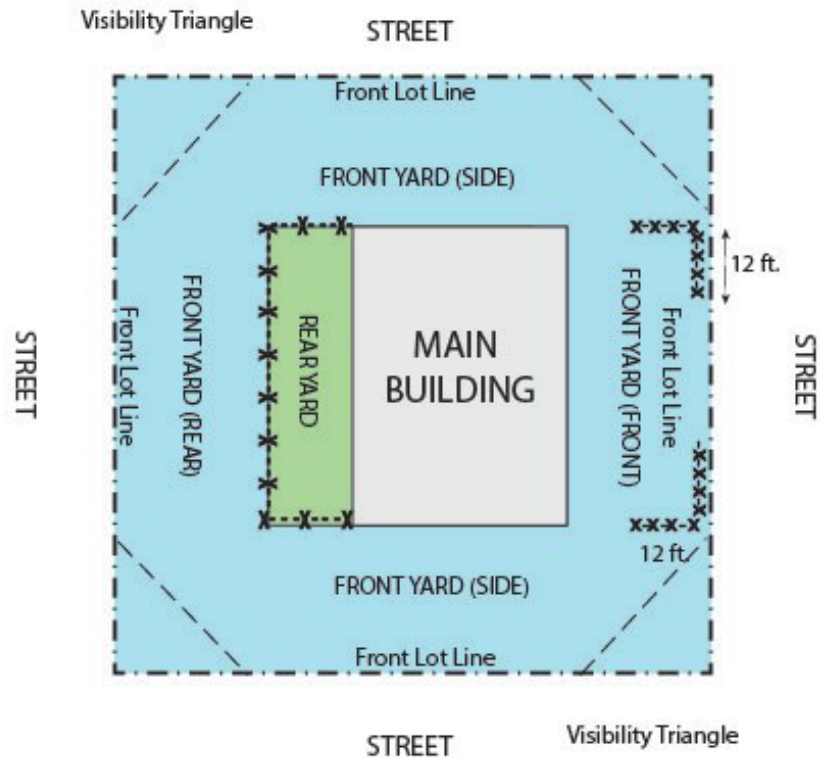
- X--X 6 ft.
- X-X 4 ft. plus bonus
- xxx 3 ft.



F. Fences within the rear yard on a through (entire block) lot may be up to 100 percent closed and not exceed six feet in height (see Illustration F).

ILLUSTRATION F

Allowable Fence Height Through (Entire Block) Lot
 X--X 6 ft.
 X-X-X 3 ft.



G. No chain link shall be used in any residential front yard.

15.3-2 *Minor Variations*: The Community Development Director or designee shall have authority, but not the obligation, to grant minor or technical variations to these standards where: 1) conditions are physically unique and would result in a height variation of 6 inches or less; 2) approval of an open fence that meets the intent of 30% open or 50% open but does not exactly meet the requirement; 3) approval to locate a fence closer to a property line than allowed and/or up to a 10' deviation from a rear elevation alignment requirement, because of a physical obstruction that would prevent the placement of the fence in the required location. Any minor or technical variation shall be documented and presented to the Planning and Zoning Commission at their next regular meeting for their information.

15.3-3 *Side and rear yards*: Side yard and rear yard, fences, may be up to 100% closed, and shall not exceed six feet in height, provided that buffer fencing shall be

permitted in accordance with the provisions of Section 15.6 of this Zoning Code. Fences in the rear yards of lots fronting the following four lakes shall be regulated per Section 15.9: Woods Creek Lake, Goose Lake, Willow Lake, and Lake Scott.

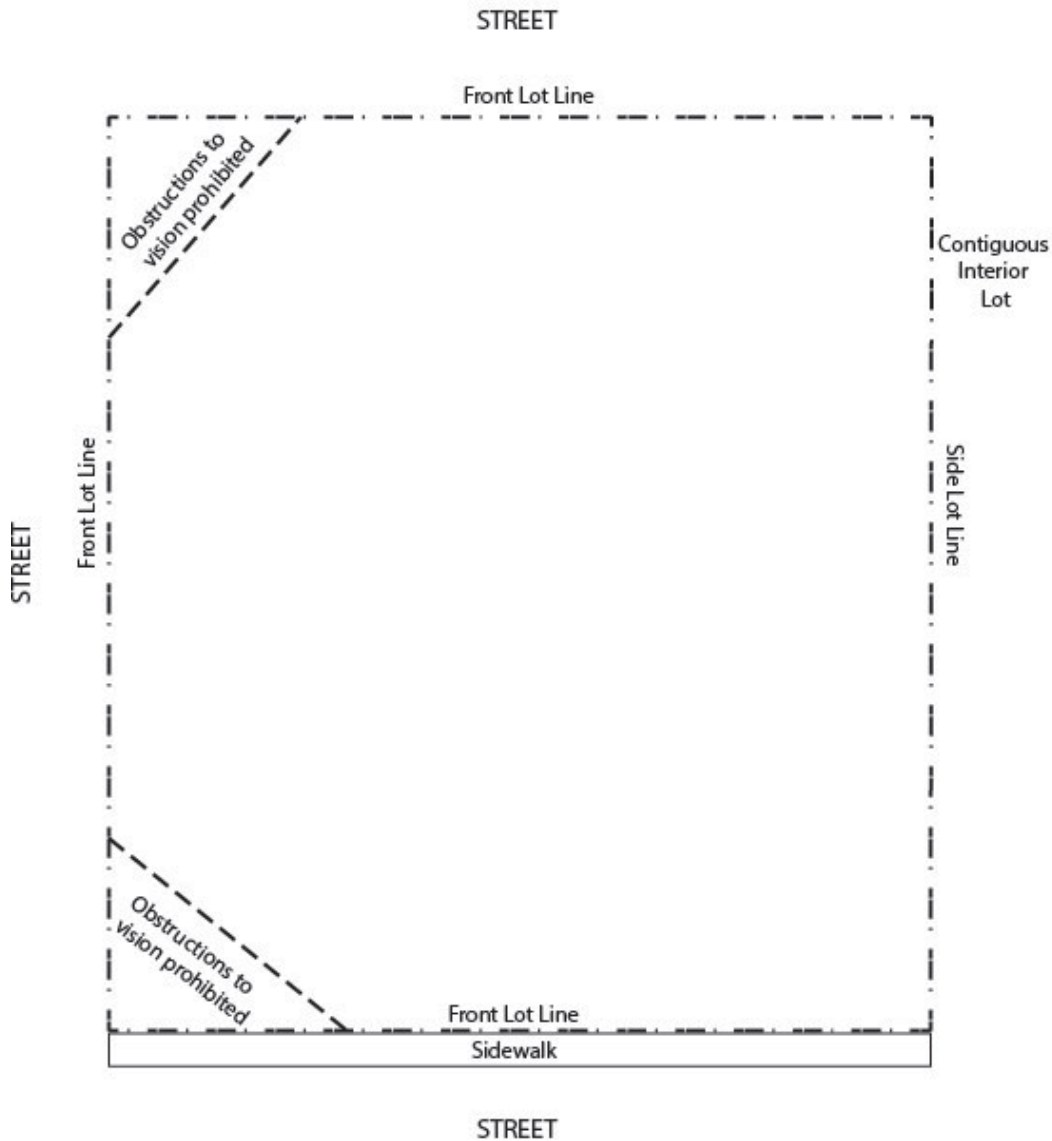
15.3-4 *Temporary Fencing*: Temporary fencing for special events or constructions sites shall obtain a permit and follow Building and Fire Code safety standards for means of egress requirements and be securely mounted. Temporary fencing shall be of suitable materials and may consist of chain link and may be a maximum height of 8 feet.

15.4 VISION OBSTRUCTIONS PROHIBITED:

No fence, screening, or other structure shall be constructed on any corner lot taller than 24 inches in height from curb level or street crown if located within the area of a sight-line triangle, two legs of which are a distance of 23 feet each when measured along each of the intersecting front lot lines and from the point where such lines intersect (See Illustration G). Distance is measured from lot line, or from road right-of-way where closer to building (lot line in right-of-way), or from edge of pavement where no right-of-way exists and edge of pavement is closer to building than lot line (lot line within roadway). Sight-line triangle distances may be increased by the Community Development Director in order to account for any unique site constraints which would necessitate increased sight-line distances.

ILLUSTRATION G

Vision Area - Corner Through Lot



15.5 EXEMPTIONS:

15.5-1 *Certain Institutional Fences:* Nothing in this Zoning Code shall prohibit the erection of an open mesh-type or chain-link fence for public parks, recreational areas, ballfields, public or private school sites, or property owned by any public utility or agency.

15.5-2 *Soil and Erosion Control:* Nothing in this Zoning Code shall prohibit the erection of soil and erosion control fencing around any disturbed area during construction.

15.5-3 *Snow Fencing*: Nothing in this Zoning Code shall prohibit the erection of snow fencing to control blowing snow between November 1 and April 1 on any property owned by any public utility or agency.

15.5-4 *Certain Terraces and Patios*: Open terraces and patios located in a rear yard may be enclosed by a solid fence not to exceed 72 inches in height and not extending more than 12 feet out from the principal building.

15.5-5 *Temporary Garden Fences*: Nothing in this Zoning Code shall prohibit the erection of temporary fencing which does not exceed 24 inches in height around the perimeter of a vegetable garden. The use of such fencing does not require a permit.

15.6 BUFFER FENCING ADJACENT TO BUSY STREETS:

15.6-1 *Defined*: Buffer fencing is defined as fencing along thoroughfares having a speed limit of 30 miles per hour or higher abutting a rear or front (rear) property line or designated rear yard which does not allow vehicular access to those thoroughfares from abutting lots or tracts.

15.6-2 *Clear Vision Areas*: When two streets intersect, a clear vision area must be maintained by measuring 23 feet from the intersecting lot lines, down each lot line and creating a diagonal line across the two points. This is known as the Clear View Triangle. Buffer fencing shall be located along property lines.

15.6-3 *Location*: Buffer fencing shall be located within 3 to 4 inches back from the property line outside of any required easements.

15.6-4 *Material*: Buffer fencing shall be constructed entirely of sturdy and durable materials such as cedar, or pressure-treated wood, metal, vinyl, or composite materials.

15.6-5 *Height; Style*: Buffer fencing shall be permitted up to a maximum of 6 feet in height and may be a solid style fence.

15.6-6 *Gates*: Permitted gates shall be constructed of the same material and style of the Buffer fencing but shall be of the same construction as the fence.

15.6-7 *Connection of Interior Fencing*: Where buffer fencing is installed; interior fencing is permitted to be

extended and connected to the Buffer fencing. *Where two fences of differing heights intersect, the taller fence shall taper down to the shorter fence at a 1 to 1 slope.*

15.7 DOG POUNDS, RUNS & ENCLOSURES:

15.7-1 *Rear Yard and Front Yard (Rear) Only; Lot Line Limitation:* Dog enclosures shall be permitted only in rear and front (rear) yards and shall be located not closer than 10 feet to any lot line, except for rear lot lines along front (rear) yards.

15.7-2 *Construction Standards:* Such enclosures shall be constructed of fencing that is at least 30 percent open, shall not exceed six feet in height and shall not exceed a total of 50 square feet. Fence posts anchored into the ground shall comply with the standards in Section 15.2 of this Zoning Code, but self-supported enclosures are not required to be anchored.

15.7-3 *Number Limited:* Only one such enclosure shall be permitted per zoning lot.

15.7-4 *Permit Required:* No such enclosure shall be installed without a permit first having been issued by the Village.

15.8 SEPARATION WALLS/FENCING (MULTIPLE FAMILY, BUSINESS, MANUFACTURING PROPERTY):

15.8-1 *Separation Fence Required if Abutting Residential:* Whenever a business abuts a residential area, there shall be erected a wall or durable solid fence at least six feet in height and maintained in good condition. Separation fencing will not be required when perimeter fencing, as required in Section 26, is deemed adequate and comparable screening by the Community Development Director or designee.

15.8-2 *Standard in not Abutting Residential:* Whenever a business or manufacturing zoned property does not abut a residential area, a fence no more than eight feet in height, may be erected in side or rear yards. A three-strand barbed wire extension, not exceeding eighteen inches is permissible, provided it does not encroach upon a neighboring property and is placed on top of a fence a least six feet in height.

15.8-3 Whenever a duplex, townhouse, condominium or any other multiple-family zoned property abuts single family zoned property, a six-foot-high board on board cedar or pressure treated wood fence or approved vinyl, PVC, or metal fence shall be erected between the two areas. Separation fencing will not be required when perimeter fencing, as required in Section 26, is deemed adequate and comparable screening by the Community Development Director or designee.

15.9 LAKEFRONT FENCING:

15.9-1 *Defined:* Lakefront fencing is defined as fencing that is located in the rear yards of lots that abuts one of the following four lakes: Woods Creek Lake, Goose Lake, Willow Lake, and Lake Scott.

15.9-2 *Height:* The maximum height for any lakefront fencing shall be 4 feet exclusive of posts or ornamental objects.

15.9-3 *Setback:* The minimum setback for lakefront fencing is 15 feet from the shoreline or property line, whichever is closest to the principal structure on the lot at the time of permit.

15.9-4 *Percent Open:* Lakefront fencing shall be at least 50% open as viewed at 90 degrees.

15.9-5 *Type of Fences:* Lakefront fencing shall be restricted to vertical pickets or split rails.

15.10 FENCE REFERENCE TABLE:

See Table 15.10 as a reference guide to standards and requirements listed in this Section. Table 15.10 is to be used in conjunction with these standards and is not meant to provide exception or waiver for any standard not listed therein. Should there be any conflict between Table 15.10 and the regulations, text and Illustrations, contained in this Section, the regulations and Illustrations shall take precedence.

Yard Fencing								
Lot Type	Allowable Opacity	Allowable Height	Offsets (Distance from lot line)		Alignment/Location relative to building	Bonus Foot for Lattice Allowed (Yes/No)	Vision Triangles Apply (Yes/No)	Corner Fencing Allowed (Yes/No)
			Distance	From Lot Line Type				
							Section 15.4	Section 15.3-1
Interior Lot								
Front	-	-	-	-	-	No	No	Yes
Side	100%	Up to 6'	-	-	-	No	No	No
Rear	100%	Up to 6'	-	-	-	No	No	No
Corner Lot								
Front yard (front)	-	-	-	-	-	No	Yes	Yes
Front yard (side) - Abutting front yard (side)	100%	Up to 4'	10' or more	Front yard (side) lot line	Behind or in line with rear elevation of building	Yes	Yes	No
Side yard	100%	Up to 6'	-	-	-	No	No	No
Rear yard	100%	Up to 6'	-	-	-	No	No	No
Reversed Corner Lot								
Front yard (front)	-	-	-	-	-	No	Yes	Yes
Front yard (side) - Abutting front yard (front)	100%	Up to 4'	Front yard (front) building setback of adjacent property	Front yard (side) lot line	Behind or in line with rear elevation of building	Yes	Yes	No
Side yard	100%	Up to 6'	-	-	-	No	No	No
Rear yard	100%	Up to 6'	-	-	-	No	No	No
Through Corner Lot								
Front yard (front)	-	-	-	-	-	No	Yes	Yes
Front yard (side)	100%	Up to 4'	Front yard (side) building setback line	Front yard (side) lot line	Behind or in line with rear elevation of building	Yes	Yes	No
Front yard (rear) - Abutting front yard (side or front)	100%	Up to 4'	-	-	-	Yes	No	No
Front yard (rear) - Abutting front yard (rear)	100%	Up to 6'	-	-	-	No	No	No
Side yard	100%	Up to 6'	-	-	-	No	No	No
Rear yard	100%	Up to 6'	-	-	-	No	No	No
Interior Through Lot								
Front yard (front)	-	-	-	-	-	No	No	Yes
Front yard (rear) - Abutting front yard (side or front)	100%	Up to 4'	-	-	-	Yes	No	No
Front yard (rear) - Abutting front yard (rear)	100%	Up to 6'	-	-	-	No	No	No
Side yard	100%	Up to 6'	-	-	-	No	No	No
Rear yard	100%	Up to 6'	-	-	-	No	No	No
Entire Block Through Lot								
Front yard (front)	-	-	-	-	-	No	Yes	No
Front yard (side)	-	-	-	-	-	No	Yes	No
Front yard (rear)	-	-	-	-	-	No	Yes	No
Rear yard	100%	Up to 6'	-	-	-	No	No	No