

**800 ARTICLE VIII BUFFER AREAS AND FENCES**

**801 BUFFER AREAS**

- A.** As a result of the lack of zoning prior to the adoption of this Ordinance, many residential dwellings have been constructed and located within areas that are now predominantly commercial areas. In order to protect such existing dwellings from new commercial activities or structures, such new structures shall hereafter be located no closer than one hundred (100) feet to any such existing dwelling which is occupied for dwelling purposes and further such new commercial structure or activity shall be screened from such adjoining dwelling in accordance with the following provisions.

The foregoing provision shall not, however, operate to reduce the usable area of the adjoining commercial property under bona fide separate ownership on the effective date of this Ordinance below 50% if the same would cause such a result, this buffer area shall be accordingly reduced to permit such 50% use.

- B.** Except as otherwise provided in this Zoning Ordinance, all premises used for business, commercial purposes and located within a CW, C-1, or C-2 district shall be screened from adjoining premises located in a residential district classification by any of the following:
- 1.** A natural compact planting area of evergreens or shrubberies which maintain their density and screening effect throughout the calendar year, not less than four (4) feet in height at the time of planting and maintained in a neat and attractive manner.
  - 2.** An artificial wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants or adjoining premises, not less than five (5) feet in height and maintained in a neat and attractive manner.

Such planting area, wall or fence shall be at least twenty (20) feet from any adjoining street right of way.

- C.** In the event of any controversy as to the adequacy of any proposed or existing screening, the Planning Commission shall have the right and is hereby given the authority to determine, through a Site Plan Review, whether the same is in violation of these screening provisions and the purpose herein sought to be accomplished by the screening of abutting business and residential properties.

**802 FENCES**

- A. General Standards for Fences.** Except as otherwise provided, fences in all districts must meet the following standards:
- 1.** A Land Use Permit is required for all fences before installation.

2. Applications for a Land Use Permit for fence shall be accompanied by a survey and a sketch or drawing of the intended fence.
3. Fences shall be setback at least two (2) inches from adjacent lot lines.
4. The finished side of the fence shall be the exterior of the fence. The unfinished side of the fence shall face inward.
5. Fence height shall be measured from the average grade level of adjoining properties.
6. The maximum distance between fence posts shall be eight (8) feet.
7. No earth berm shall exceed two (2) feet in height. No earth berm shall be utilized in any way to enhance fencing height.
8. No fence shall exceed six (6) feet in height.
9. Unless required for screening purposes, a fence may always be substituted with a less-intrusive style of fence of the same height or shorter. For instance, where a six (6) foot privacy fence is permitted, it may be substituted with any other type of fence of the same height or shorter (such as a wire fence, cyclone fence, decorative fence or a row of bushes/hedges) provided that such fence otherwise complies with all applicable regulations pertaining to that fence type.
10. Decorative fences shall comply with the following standards:
  - a. Decorative fences shall not exceed three (3) feet in height.
  - b. Fence posts shall be at least six (6) feet apart.
  - c. Decorative fences may be constructed from any material which does not block the view from adjacent properties or right of ways, including but not limited to split rail, linked chain and rope fences.
  - d. Decorative split rail fences shall have no more than two (2) rails, spaced at least twelve (12) inches apart.
  - e. Decorative linked chain or rope type fences shall have no more than two (2) rows of rope or chain, spaced at least twelve (12) inches apart.
  - f. Bushes and hedges shall not be used for decorative fences.
11. Underground dog fences are permitted in all Districts.
12. Snow fencing is permitted from October 1<sup>st</sup> through May 1<sup>st</sup>.
13. Any type of coniferous (evergreen tree) shall not be used as a form of fencing, due to its shallow root structure.
14. Three (3) or more bushes or hedges in a row shall constitute a fence. When used for fencing purposes, bushes or hedges must be planted at least two (2) feet from any lot line.

15. Barbed wire and electrified fences are prohibited.
16. No fence shall block the view of any waterways, lakes, wetlands or scenic vistas from adjacent properties.
17. No fence shall obstruct the view of driveways or adjacent roadways for vehicles entering or leaving the site.
18. Temporary fences for construction site enclosure or other special events may be allowed by the Ordinance Enforcement Officer.

**B. Fences in the AG District.**

All fences in the AG District shall comply with the following standards:

1. Fences shall be set back at least twenty (25) feet from the road right-of-way.
2. Where farm animals are kept, there shall be adequate fencing to prevent free roaming of farm animals outside their confinement area. Where poultry is kept, chicken wire or other similar fence material shall be used to keep poultry contained.

**C. Fences in the R-1 District.**

All fences in the R-1 District shall comply with the following standards:

1. Side yard fences. A fence not to exceed six (6) feet in height is permitted between the front and rear corners of the dwelling.
2. Rear yard fences. The following types of fencing are permitted to extend from beyond the rear corner of the dwelling to the road right-of-way:
  - a. A privacy fence no more than three (3) feet in height.
  - b. A wire or cyclone fencing no more than four (4) feet in height.
  - c. Decorative fences.
3. Front yard fences. Where an R-1 parcel abuts or adjoins a parcel designated CW, C-1 or C-2, or a public road-end access or a private easement of record, a decorative fence shall be permitted beyond the front corner of the dwelling. Otherwise, no fences shall be permitted beyond the front corner of the dwelling.

**D. Fences in the RR-1, R-2, R-3 and R-4 Districts.**

All fences in the RR-1, R-2, R-3 and R-4 Districts shall comply with the following standards:

1. Side yard/rear yard. A fence not to exceed six (6) feet in height is permitted from the front corner of the dwelling to the rear lot line. Rear lot fencing is allowed.
2. Front yard. Decorative fencing may be installed beyond the front corner of the dwelling up to the road right-of-way.

#### **E. Fences in the C-W District.**

All fences in the C-W District shall comply with the following standards:

1. Side yard. A fence not to exceed six (6) feet in height is permitted between the front and rear corners of the structure.
2. Rear yard. A fence not to exceed three (3) feet in height is permitted from the rear corner of the structure to no closer than twenty (20) feet from the rear property line.
3. Front yard. A bush or hedge fence not to exceed three (3) feet in height, or a decorative fence, is permitted from the front corner of the structure to no closer than twenty (20) feet from the front property line.

#### **F. Fences in the C-1 and C-2 Districts.**

All fences in the C-1 and C-2 Districts shall comply with the following standards:

1. Side yard/rear yard. A fence not to exceed six (6) feet in height is permitted between the front corner of the structure to the rear lot line. Rear lot fencing is allowed.
2. Front yard. A fence not to exceed three (3) feet in height is permitted from the front corner of the structure to no closer than twenty (20) feet from the front property line.