

Section 2.9.03: Fences, Landscape Walls, and Hedges

(1) Purpose

The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls, and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.

(2) Applicability

The requirements of this Section apply to all permanent fencing, landscape walls, and decorative posts equal to or exceeding four feet in height.

(3) Standards

(a) **Traffic Visibility.** All fences, walls, and hedges must comply with the vision clearance requirements of Section 2.9.07(13).

(b) Residential Fences

1. **Required Front and Street Side Yard Fences.** For all residentially zoned land and residential uses, the maximum height of each fence, wall, or continuous hedge within the front or street side yard for a principal structure shall be four feet. Residential fences in a front or street side yard shall be decorative in nature and of semi-open designs such as non-pointed vertical picket, weaved lattice, or wrought iron bars; wire, chain, or exposed/reflective metal are not permitted. Front and street side yard fences, walls, and hedges shall be set back a minimum of five feet from any front or street side property line, and 18 inches from any other property line or six inches with written approval from the adjoining property owner.
2. **Required Interior Side and Rear Yard Fences.** For all residentially zoned land and residential uses, a fence, wall, or living hedge not exceeding six feet in height may be erected or planted within the interior side yard or rear yard, provided it is set back at least 18 inches from a property line or six inches with written approval from the adjoining property owner.

(c) Non-Residential Fences

1. **Security Fences.** In non-residential zoning districts (except for residential uses located there), nearly transparent or low-opacity security fences not exceeding 10 feet in height measured from the base are permitted as close as 18 inches from any property line.
2. **Other Front and Street Side Yard Fences.** In non-residential zoning districts (except for residential uses located there), the maximum height of each opaque or nearly opaque fence, wall, or continuous hedge within the front or street side yard shall be four feet. Such fence, wall, or continuous hedge shall be decorative in nature and set back a minimum of five feet from any front or street side property line, and 18 inches from any other property line or six inches with written approval from the adjoining property owner.
3. **Other Interior Side and Rear Yard Fences.** In non-residential zoning districts (except for residential uses located there), a fence, wall, or living hedge not exceeding 10 feet in height may be erected or planted within an interior side or rear yard, provided it is set back at least 18 inches from any property line or six inches with written approval from the adjoining property owner.

(d) **Fences in Agricultural Districts.** Fencing within agricultural zoning districts shall be exempt from the requirements of this Section, except that all front and street side yard fences shall adhere to the front yard fence requirements for residential districts.

(e) **Setback Adjustments.** Where applicable, the normal minimum setback of a fence facing an adjacent private property may be reduced to zero and/or connected to a neighboring fence so that one or more lengths of fence are used in common, provided that evidence is provided to the Village that the all of the owners have entered and recorded against both lots a formal written agreement that:

1. Includes a clear description, location, and materials of the fence to be installed.
2. Addresses and guarantees maintenance, cost sharing, access, and liability responsibilities.
3. Indicates that such fence may not be removed or relocated unless both owners agree.

4. Includes terms for the dissolution of the agreement.
 5. The Zoning Administrator agrees and issues a zoning permit.
- (f) Temporary Fences. Fences erected for the protection of plantings or to warn of construction hazards or for similar purposes shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences. Temporary fences may be installed and maintained for a period not exceeding the term of construction, or 180 days if not associated with a construction project. Snow fences shall be removed by April 30.
- (g) Appearance. For each fence with a more finished or more decorative side, such side shall face toward the adjoining property or right-of-way.
- (h) Construction and Maintenance. All fences, landscape walls, or decorative posts shall be constructed and maintained in a structurally sound and attractive manner. Living hedges must be trimmed so that all limbs remain entirely within the property on which they are planted.
- (i) Prohibited Fences
1. The use of a fence that delivers an electric shock is prohibited, except for electric fences used for the confinement of livestock or undomesticated animals in any agricultural district.
 2. The use of barbed wire, razor wire, or similar cutting wire is prohibited except:
 - a. In any non-residential district, on top of a security fence on which the wire is a minimum of 10 feet above ground level and the wire section is directed inward.
 - b. For confinement of livestock or undomesticated animals in agricultural districts.
 3. Snow fences or other fences designed for temporary use shall not be used in a permanent application.