

Land Development Regulations
Chapter 3-9. Zoning
Article III. Special Regulations

Sec. 3-9-72. Fences; Walls

1 Sec. 3-9-72. Fences; ~~W~~walls.

- 2 (a) In all residential districts except Residential Estate (RE), side and rear setback requirements shall
3 not apply to fences and walls six (6) feet high or less behind the minimum front setback line, except
4 for a corner lot where a side property line abuts a road, the setback shall be a minimum of 7.5 feet of
5 the property line and meet the requirements set forth in Sec. 3-9-89, Visibility at Road Intersections.
6 Front setback requirements shall not apply to opaque fences or walls three (3) feet high or less or
7 nonopaque fences or walls four (4) feet high or less. Fences and walls exceeding six feet in height
8 shall maintain the minimum setback requirements set forth in each zoning district.
- 9 (b) In all nonresidential districts and the residential estate (RE) district, fences and walls located on lot
10 lines shall not exceed eight (8) feet in height, except for a corner lot where a side property line abuts
11 a road, the setback shall be a minimum of 7.5 feet of the property line except as otherwise provided
12 and meet requirements set forth in section 3-9-97 section 3-9-97 Sec. 3-9-89, Visibility at Road
13 intersections. Front setback requirements shall apply to opaque fences or walls for four feet or
14 higher. Fences and walls exceeding eight feet in height shall maintain the minimum setback
15 requirements set forth in each zoning district.
- 16 (c) Fences charged with electricity are permitted only in agricultural districts Agriculture (AG), and
17 Excavation and Mining (EM) districts as well as in RE district with an approved Special Exception for
18 agricultural uses., (AE, AG, AC and AE-10)
- 19 (d) Barbed wire fencing shall be permitted only:
- 20 (1) In agricultural districts AG and EM districts;
- 21 (2) In commercial and industrial districts on top of fences or walls; and
- 22 (3) Around institutional uses and utility installations in any district.
- 23 (4) In RE district with an approved Special Exception for agricultural uses.
- 24 (e) Fences and walls exceeding six feet in height shall be permitted and must maintain the minimum
25 setback requirements set forth in each zoning district where the fence or wall is located. Any
26 deviations from the above requirements may only be allowed upon approval of a variance from the
27 board of zoning appeals.
- 28 (f) For the purpose of this section, the height of the fence or wall shall be measured from the finished
29 grade of the site, excluding berms.
- 30 (g) All fences and walls shall be installed with the finished side facing the adjacent property or the public
31 right-of-way. All fence posts must be located on the inside of the fence facing the property on which
32 the fence is located unless the fence is designed and constructed to look the same on both sides. No
33 element of fences and walls shall encroach on an adjacent lot or right-of-way.
- 34 (h) Gates, columns, posts, and finials may exceed the maximum height of the fence by no more than
35 one foot. Pergolas or arches associated with a gate or entrance may be permitted up to ten feet in
36 height.
- 37 (i) If the property abuts a waterbody, no fence or wall greater than four feet in height shall be permitted
38 closer than 10 feet to the Mean High Water line, seawall, or the property line, whichever is more
39 restrictive.
- 40 (j) Subdivision perimeter walls may be approved through a Site Plan Review process without
41 maintaining the minimum setback requirements set forth in each zoning district.