

ARTICLE 5.00

GENERAL PROVISIONS

Section 5.21 Opaque Hedges, Fences and Walls in Residential Districts

A. Location on Non-waterfront Parcels

Fences in the R-1, R-2, R-3, RM-1, RM-2, and RM-3 Districts may be located in the required side or rear yard on non-waterfront lots or parcels subject to the following requirements:

1. **Maximum Height**
The maximum height shall be six (6) feet for fences located in the rear or side yard and no closer to the front lot line than the front wall of the principal building.
2. **Location**
No fence greater than four (4) feet in height shall be permitted closer to the front lot line than the front wall of the principal building. Such permitted fence shall be non-obscuring and shall not be closer than five (5) feet to a road right-of-way.
3. **Fences on Corner Parcels**
On corner lots the following regulations shall apply on the yard facing a road:
 - a) A six (6) foot high fence shall be permitted provided it does not extend closer to the street than any portion of the principal dwelling.
 - b) A four (4) foot high fence may be erected in the setback area, provided that any such fence shall be non-obscuring in design and not closer than five (5) feet to a road right-of-way.
 - c) An obscuring fence not more than six (6) feet in height shall be permitted in a side or rear yard setback that does not front on a road.

B. Location of Walls and Hedges on Non-waterfront Parcels

Walls and Opaque Hedges in the R-1, R-2, R-3, RM-1, RM-2, and RM-3 Districts may be located in the required side or rear yard on non-waterfront lots or parcels subject to the following requirements:

1. **General Standards**
The maximum wall height shall not exceed six (6) feet, measured from ground level adjacent to the wall, provided that fill shall not be permitted for the purpose of achieving a higher wall than otherwise would be permitted.
2. **Walls on Corner Parcels**
On corner parcels, walls shall not be permitted to extend closer to the road than any portion of the principal building.

C. **Fences that Enclose Public Areas**

Fences that enclose public parks, playgrounds, or similar public areas located within a developed residential area shall not exceed six (6) feet in height, measured from the surface of the ground. Such fences may be of an ornamental non-opaque design.

D. **Entranceway Structures**

1. **Entrance to Residential Developments**

Residential subdivision entranceway structures, such as walls, columns or gates which mark the entrance to a single family subdivision or multiple family development, shall be permitted in the required setback area, provided that:

- a. Entranceway structures shall not exceed eight (8) feet in height.
- b. Entranceway structures shall not be located in the existing or planned right-of-way and shall be setback so as not to obstruct the clear vision area.
- c. Such structures shall not restrict emergency vehicle access.

E. **Waterfront Lots or Parcels**

No fence, wall, or opaque hedge shall be placed within the required setback of a waterfront lot that is the yard adjacent to the water.

F. **General Fence and Wall Standards**

1. **Corner Clearance**

Walls and fences shall comply with the specifications for maintenance of clear vision in Article 5.08F of this Ordinance.

2. **Wall, Fence and Gate Materials**

Walls shall be constructed of durable materials that are architecturally compatible with the materials used on the façade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.

Fences shall be constructed of good-quality materials ordinarily and customarily used in residential fence construction. Razor wire and barbed wire shall be prohibited. Page wire fences, chicken-wire fences, single-strand wire fences, fences that carry electric current, fences most suitable to contain horses and livestock, and other fences more commonly used in farming, or livestock operation shall be prohibited. Wood fences shall be constructed of redwood, cedar, or No. 1 pressure-treated wood, or similar durable wood-like materials.(amended 01/07/08)

3. **Finished Appearance**

The finished side of the fence shall face away from the interior of the lot and the pole side shall face the interior of the lot.

4. **Obstruction to Use of Adjoining Property**

No fence or wall shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence or wall be erected where it would obstruct or prevent the continued safe use of an existing driveway or other legal means of access to

adjacent property. In enforcing this provision, the Building Official may require a fence or wall to be set back a minimum distance from a driveway or property line.

5. **Fence and Wall Maintenance**

Fences and walls shall be maintained in good condition. Rotten, crumbled or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated.

6. **Permit Required**

Prior to the construction of any fence, property owner shall obtain a zoning permit from the Township Building official. Fences, walls or hedges located on a vacant parcel or lot, except waterfront lots, shall adhere to all the same fencing/wall zoning standards and shall obtain a zoning permit prior to construction. If parcel or lot is vacant, the front yard setbacks shall be established by using the specific zoning setback for that area. (amended 10/10/06)