

SHOREWOOD CITY CODE

SECTION 1201.03, SUBD. 2.f.:

f. **Fences** - General Requirements:

(1) Permit Required: No person, firm or corporation shall construct or erect any fence without first securing a building permit¹.

(2) Locations: All fences shall be located entirely upon the property of the fence owner unless the owner of the adjoining property agrees, in writing, that such fence may be erected on the property line of the respective properties. No boundary line fence shall be erected closer than three feet (3') to an existing parallel boundary line fence.

(3) Surveys: The Building Official may require an applicant for a fence permit to establish his true boundary line by a survey thereof to be made by a registered land surveyor.

(4) Construction and Maintenance: Every fence shall be constructed in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in such condition as to not become a hazard, eyesore or public or private nuisance. All fences shall be so constructed that the finished side faces away from the fence owner's lot. Any fence which endangers the public safety, health or welfare shall be considered a public nuisance and abatement proceedings may be instituted by the proper City official if within fifteen (15) days after notification the owner of such fence has not undertaken the necessary repairs himself to abate the nuisance. Link fences, where permitted, shall be constructed in such a manner that no barbed ends shall be at the top. (Ord. 168, 6-24-85)

(5) Nonconforming Fences: All fences existing on the date of the adoption of this Ordinance, but not conforming herewith, except as to height restrictions, shall conform and be subject to the terms of this Ordinance. If at any time a nonconforming fence shall be damaged to the extent of more than twenty five percent (25%) in any plane, then without further action by the Council, the fence shall, from and after the date of said damage, be subject to all the regulations specified by these zoning regulations. Any fence which is damaged to an extent of less than twenty five percent (25%) may be restored to its former extent. It is the intent of this Section that all nonconforming fences shall be eventually brought into conformity. (Ord. 227, 6-11-90)

(6) Prohibited Fences: Electric fences shall not be permitted except in conjunction with the issuance of a horse permit pursuant to Chapter 702 of this Code, and shall be removed upon expiration or revocation of a horse permit. Barbed wire fences shall not be permitted except as hereinafter provided. Fences

of the picket, rail or slat types shall be so constructed that the spaces between the pickets, rails or slats shall be greater than twelve inches (12") or less than six inches (6"). (amd. Ord. 289, 3-28-94)

Wire fences which are not readily visible shall be prohibited except where attached to a wooden or other fence of opaque material which is itself plainly visible. (amd. Ord. 289, 3-28-94)

(7) Required Fences: Swimming Pools: Outdoor swimming pools with a capacity of one thousand five hundred (1,500) gallons or with a depth of three feet (3') or more of water shall be adequately fenced to prevent uncontrolled access from the street or adjoining property. Such pools shall be completely enclosed by a nonclimbable fence at least four feet (4') in height. (Ord. 168, 6-24-85)

(8) Shoreline Fences: No fence shall be allowed within the shoreline setback area as specified in Section 1201.26 Subd. 5a(3) of this Ordinance. In addition, fences on or adjacent to the shoreline of any navigable lake, channel or stream, or on or along that portion of a lot line extending from a navigable lake, channel or stream to the near side of the average building construction line, shall not exceed four feet (4') in height. (Ord. 227, 6-11-90)

(9) Residential District Fences:

(a) Boundary Line Fences: In all parts of Shorewood which are zoned residential, no boundary line fences shall exceed four feet (4') in height except that:

i. Fences on all corner lots erected within thirty feet (30') of the intersecting property line shall be subject to subdivision 2h of this Section.

ii. Fences along any rear property line which is also the rear property line of an abutting lot shall not exceed six feet (6') in height; and

iii. Fences along a rear property line, which line constitutes the side lot line of an abutting lot shall not exceed six feet (6') in height for a distance as calculated in iv below and shall not exceed four feet (4') in height when abutting a front yard line. (Ord. 168, 6-24-85)

iv. Subject to other restrictions within this Section, fences may be constructed to a height of six feet (6') on or along the side yard property line from the rear lot line to the required front yard setback line. (Ord. 227, 6-11-90)

v. In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress shall be

provided for emergency vehicles. Such ingress shall be unobstructed and a minimum of ten feet (10') in width. The location of such ingress points shall be positioned at any point paralleling the front lot line, between the side lot property line and the principal structure.

vi. All boundary line fences in residential districts shall be constructed in such a manner that at least twenty five percent (25%) of the plane between the ground and the top of the fence constructed is open. (Ord. 168, 6-24-85)

vii. Fences in yards abutting an intermediate arterial or minor arterial street, as designated in the Shorewood Comprehensive Plan, may be constructed to a height of six feet (6') in a front or side yard abutting said arterial street, by conditional use permit as provided for in Section 1201.04 of this Ordinance. In addition the following conditions shall apply:

(aa) The fence shall be located no closer than eight feet (8') to the property line.

(bb) A landscape plan for the abovereferenced eight foot (8') setback area must be submitted in compliance with Section 1201.03 subd. 2.g. of this Ordinance.

(cc) The fence shall not obstruct traffic visibility. (Ord. 227, 6-11-90)

(b) Interior Yard Fences:

i. Any fence erected within any portion of the required front yard shall not exceed four feet (4') in height and shall be at least twenty five percent (25%) open.

ii. Within a rear yard, at a point eight feet (8') beyond any property line, a solid fence up to six feet (6') in height may be erected as a total enclosure. Said enclosure shall not exceed twenty five percent (25%) of the required rear yard area, and shall have adequate means of emergency access.

iii. Chain link or woven wire fences (without slat screens, canvas or other screening material opaque in nature) used for the enclosure of tennis courts or other such recreational purposes shall not exceed ten feet (10') in height.

(10) Commercial District Fences: Fences in all Commercial Districts shall not exceed eight feet (8') in height except that:

(a) Boundary line fences abutting R Districts shall conform to those regulations applicable to the R District.

(b) Security Fences:

i. Fences which are erected primarily to secure a particular area may have "arms" not to exceed thirty six inches (36") in length, located a minimum of six feet (6') and a maximum of eight feet (8') above ground level, on which arms barbed wire may be strung.

ii. A survey establishing the true boundary line must be made by a registered land surveyor and submitted to the City.

iii. Fence arm extensions may not extend across an abutting property line or over any public right-of-way.

(c) Fences erected within the required front yard area shall not exceed six feet (6') in height and shall be of a chain link or woven wire construction which affords maximum visibility.

(11) Special Purpose Fences: Fences for special purposes and fences differing in construction, height or length may be permitted in any district in the City by issuance of a conditional use permit.

(12) Fence Height: The height of fences prescribed herein shall be considered to be the maximum height allowed. Fence posts may extend above the specified height by no more than eight inches (8").