

## Article J: Accessory Uses and Structures; Fences

### Sec 10-5-130 Accessory Uses or Structures; Fences.

- (a) **Placement Restrictions — Residential District.** An accessory use or structure in a residential district may be established subject to the following regulations:
- (1) **Accessory Building Number Limits.** In any residential district, in addition to the principal building, a detached garage or attached garage and one (1) additional accessory building may be placed on a lot.
  - (2) **Attached Accessory Buildings.** All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
  - (3) **Detached Accessory Buildings.**
    - a. No detached accessory building shall occupy any portion of the required front yard.
    - b. Any accessory building, use or structure shall conform to the applicable regulations of the district in which it is located except as specifically otherwise provided herein, except that
    - c. When an accessory building is located forward of the rear building wall of the principal building it shall satisfy the same side yard requirements as the principal building.
    - d. No residential accessory building other than a garage in a residential district shall be erected in any yard except a rear yard, and all accessory buildings shall be located not less than six (6) feet from all lot lines and from any other building or structure on the same lot.
    - e. An accessory building in a nonresidential district may be established in the rear or side yard, but must not be nearer than 10 feet to any side or rear lot line.
- (b) **Use Restrictions — Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit.
- (c) **Corner Lots.** When an accessory structure is located on the rear of a corner lot, it shall not be located beyond the front yard setback required on the adjacent interior lot to the rear, nor nearer than three (3) feet to an adjacent structure.
- (d) **Landscaping.** Vegetation used for landscaping and decorating may be placed in any required yard area. This includes trees, shrubs, flowers and gardens.
- (e) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.
- (f) **Garages In Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
- (1) That such private garage shall be located not less than five (5) feet from the front lot line;
  - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and

- (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (g) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (h) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a right-of-way line.
- (i) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.
- (j) **Exception for Over 1,500 total sq feet of all Accessory Buildings on one parcel** A conditional use permit may be granted for an accessory building in excess of the 1,500 sq. ft. limit. The conditional use permit application must meet the requirements of Article E.

## Sec. 10-5-131 Fences

- (a) **Fences Defined.** For the purpose of this Section, a “fence” is herein defined as an enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials, which would constitute a nuisance.
- (b) **Fences Categorized.** Fences shall be categorized into three (3) classifications:
  - (1) **Boundary Fence.** A fence placed on or within three (3) feet of the property lines of adjacent properties.
  - (2) **Security Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare or to protect goods, products or raw materials. This type of fence is used primarily in industrial and commercial zoning districts.
  - (3) **Hedge.** A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
- (c) **Placement of Fences Regulated.** Fences and walls shall be permitted on lot lines in all yards subject to the following limitations:
  - (1) **Residential Boundary Fence Height:** Fences shall not in any case exceed a height of six (6) feet and shall not exceed a height of four (4) feet in the street yard. and shall not be closer than two (2) feet to any public right-of-way.
  - (2) **Boundary Fence Location:** Fences shall not be closer than 6 inches to a side or rear lot line, except when two owners of adjoining properties agree in writing to a fence being placed on the side or rear shared lot line. In no case shall any fence be closer than 2 feet to any public right-of-way.
  - (3) **Security Fences:** Permitted 6 inches from the property lines in commercial, industrial and agricultural districts, except that they may be allowed on the lot line as provided in subsection 2 above. Security fences shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (d) **Prohibited Fences.** No fence shall be constructed which is in a dangerous condition, as determined by the Zoning Administrator, or which conducts electricity or is designed to

electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.

- (e) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- (f) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) 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 as described herein but said fences shall not be erected for more than forty-five (45) days.