

CHAPTER 151: FENCES

Section

| | |
|---------|--|
| §151.01 | Definitions |
| §151.02 | Purpose and Intent |
| §151.03 | Fences in Public Right-of-Way |
| §151.04 | Barbed Wire; Electrically Charged Fences |
| §151.05 | Maintenance of Fences |
| §151.06 | Obstructions to Line of Sight |
| §151.07 | Residential Fence Diagrams |
| §151.08 | Fence Materials Permitted |
| §151.09 | Fence Materials Not Permitted |
| §151.10 | Fence Permit Required |
| §151.11 | Residential Height Regulations |
| §151.12 | Nonresidential Height Regulations |
| §151.13 | Density Regulations |
| §151.14 | Compliance |
| §151.15 | Variations |

§151.01 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BARBED WIRE. A strand or strands of wire or similar material with barbs or other sharp objects spaced at regular intervals along the strand or strands of wire.

FENCE. Any structure, from whatever material, serving as an enclosure, barrier, boundary or separation.

GARDEN FENCE. Any fence designed for the protection of vegetation.

LANDSCAPING SCREENING. Planted earth berm, densely planted evergreens, shrubs or trees or any combination thereof.

REPAIR. Any fence requiring fifty (50) percent or more repair of the entire fence shall not be restored unless said fence conforms to all regulations of this Chapter. In the event such damage to the fence is less than fifty (50) percent of the entire fence, the repairs or reconstruction shall be made within one hundred and twenty (120) days from the date of the damage and the repairs are diligently completed. For purposes of calculating the fifty (50) percent or more of restoration, the amounts utilized towards repairs to the fence undertaken over the previous thirty (30) month period shall apply and count toward the fifty (50) percent threshold described above.

§151.02 PURPOSE AND INTENT.

This Chapter is intended to regulate the construction, placement and maintenance of fences as required or allowed in this Chapter. Fences will be allowed as permitted which are not detrimental to the health, safety or welfare of the Village, and in addition do not diminish the rights of citizens to sufficient air, light and safety of travel and access throughout the Village. The provisions in this Chapter are not applicable to any land owned by the Village.

§151.03 FENCES IN PUBLIC RIGHT-OF-WAY.

No fence shall be erected or maintained on any public right-of-way except those fences erected for the purpose of insuring the public safety by a governmental body having proper authority.

§151.04 BARBED WIRE; ELECTRICALLY CHARGED FENCES.

The use of barbed wire or electrically charged fences is prohibited.

§151.05 MAINTENANCE OF FENCES.

All fences shall be maintained in good repair. Fences shall be kept upright. Any fence broken, damaged, or missing rails, posts, or other components shall be promptly repaired or replaced. Additionally, fences shall not block or hinder natural drainage or water flow. (see definition for REPAIR in section 151.01 herein)

§151.06 OBSTRUCTIONS TO LINE OF SIGHT.

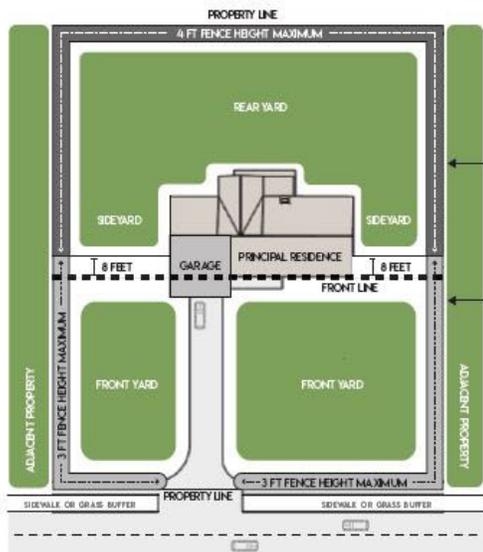
In no event shall any wall, fence or other structure, landscape screening or other planting be placed or maintained in a location relative to a public or private street, alley or other means of ingress such that the sight of oncoming vehicular or pedestrian traffic is impaired for users of such means of ingress and egress. All fences shall be constructed pursuant to this Code. Line of site provisions can be found in Section 158.19, Visibility; Vision Triangles and Section 151.07 Residential Fence Diagram.

§151.07 Residential Fence Diagram

Residential Typical Standard Lot

VILLAGE OF DEER PARK RESIDENTIAL FENCE DIAGRAMS

■ Aerial View: Residential Typical Standard Lot



All fences in residential districts must comply with regulations set forth in the Village of Deer Park Municipal Code, specifically:

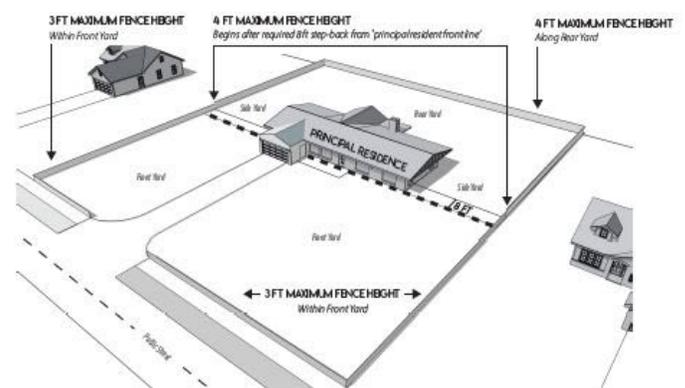
Chapter 151: Fences; and Chapter 158.017: Vision Triangles.

Maximum fence height of 4 feet is required in rear and side yards provided they begin 8 feet to the rear the 'principal residence front line' and do not extend past the property line. Principal residence does not include attached or detached garages.

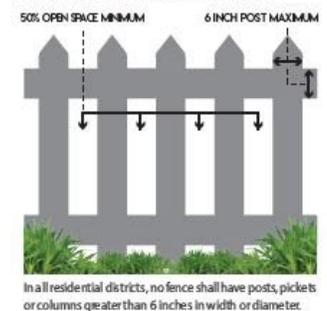
Maximum fence height of 3 feet is required in the front yards and any yards fronting a public street. (Section 151.10)

All fences in residential districts must be a minimum of 50% open.

■ Isometric View: Residential Typical Standard Lot



■ OPEN SPACE FENCE REQUIREMENT



■ EXAMPLES OF PERMITTED RESIDENTIAL FENCE MATERIALS

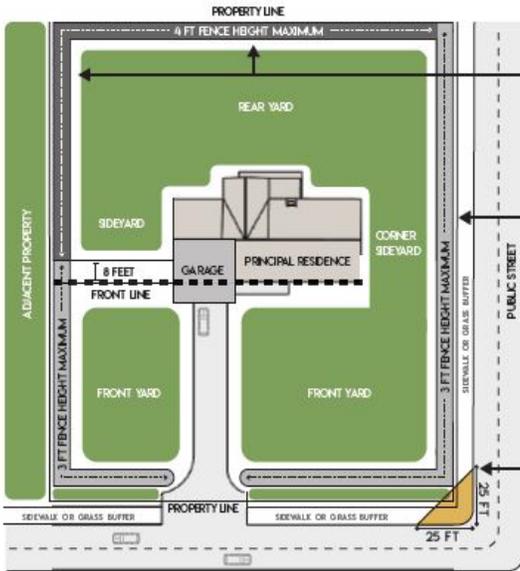
Note: Only picket and split rail fences are permitted in front yards and shall not exceed 3 feet in height.



Residential Corner Lot

VILLAGE OF DEER PARK RESIDENTIAL FENCE DIAGRAMS

■ Aerial View: Residential Corner Lot



Maximum fence height of 4 feet is required in rear and side yards provided they begin 8 feet to the rear the 'principal residence front line' and do not extend past the property line. Principal residence does not include attached or detached garages.

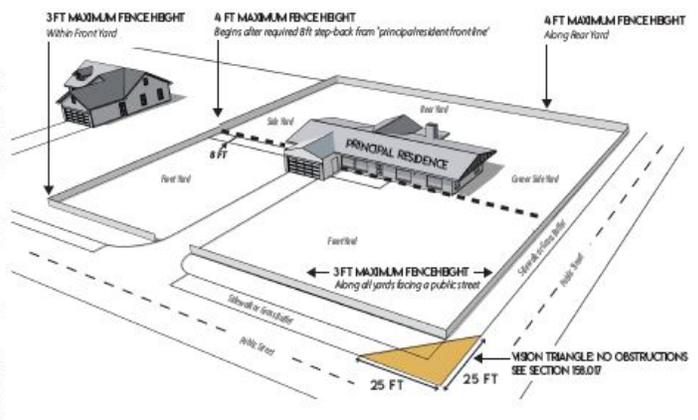
Maximum fence height of 3 feet is required in the front yards and any yards fronting a public street. (Section 151.10)

All fences in residential districts must be a minimum of 50% open.

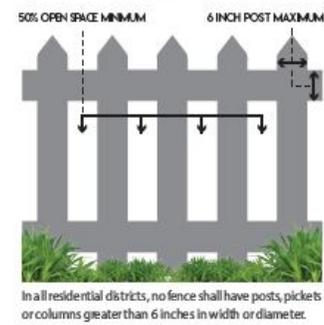
All fences in residential districts must comply with regulations set forth in the Village of Deer Park Municipal Code, specifically Chapter 151: Fences, and Chapter 158.017: Vision Triangles.

Vision Triangle: No obstructions (Section 158.017)

■ Isometric View: Residential Corner Lot

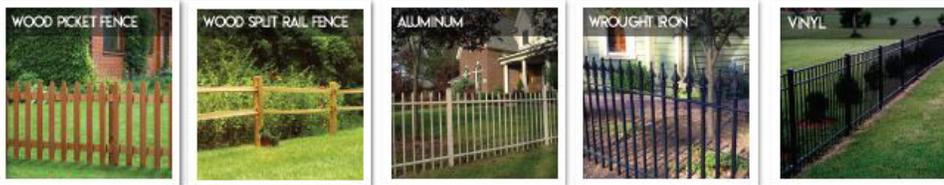


■ OPEN SPACE FENCE REQUIREMENT



■ EXAMPLES OF PERMITTED RESIDENTIAL FENCE MATERIALS

Note: Only picket and split rail fences are permitted in front yards and shall not exceed 3 feet in height.



§151.08 FENCE MATERIALS PERMITTED.

Fences shall be constructed from the following materials: wood, aluminum, wrought iron, or vinyl. All fences shall be rigid. In no case shall fences be constructed of more than one material. See Section 151.07 Residential Fence Diagram No mixture of fencing materials shall be permitted except as follows:

- (A) Masonry support columns used in connection with wrought iron fencing shall not exceed thirty (30) inches by thirty (30) inches.
- (B) Residential dog runs constructed in accordance with Section 151.11(E) may be constructed of chain link or similar material as approved by the Building and Zoning Official.
- (C) Garden fences, provided they do not exceed four (4) feet in height, are fifty (50) percent open, do not exceed two hundred (200) square feet and are set back at least eight (8) feet from the front building line, for the purpose of growing plants, that are cultivated.

§151.09 FENCE MATERIALS NOT PERMITTED.

- (A) Barbed wire, razor wire, other sharp or hazardous materials are not allowed for use on any type of fence. No aboveground electrically charged fences are permitted.
- (B) No fence or part thereof that is of the form, shape or structure of a chain link, or mesh like, or wire fabric, made of any material (including, but not limited to, metal or plastic).

§151.10 FENCE PERMIT REQUIRED.

Before any fence is erected within the Village a Village fence permit must be issued except for a garden fence.

§151.11 RESIDENTIAL HEIGHT REGULATIONS. See Section 151.07 Residential Fence Diagram

- (A) Front yards shall not be permitted except for: picket or split rail fences which shall not exceed three (3) feet in height, are fifty (50) percent open and comply with the provisions of this Code.
- (B) Rear and side yard fences of up to four (4) feet high shall be permitted in rear and side yards provided they extend no further forward on the lot than eight (8) feet to the rear of the front of the residence and do not extend past property lot line.
- (C) Any such fences shall be located and constructed so they do not interfere or conflict with the use of any utility easements or installations existing or planned to be installed in such easements.
- (D) Fences in corner side yards or along the portion of a rear yard that is bounded by a side lot line fronting a public street shall be limited to a maximum of three (3) feet high.
- (E) *Exceptions:* Dog runs under two hundred (200) square feet placed against the rear of a residential structure shall be permitted provided their height does not exceed seven (7) feet.

§151.12 NONRESIDENTIAL HEIGHT REGULATIONS.

- (A) **Front Yard Fences:** No fence shall be erected or maintained in a front yard of any nonresidential zoning district lot adjoining a public street in any zoning district to a height greater than four (4) feet.
- (B) **Side and Rear Yard Fences:** No fence shall be erected or maintained in a side or rear yard of any nonresidential zoning district to a height greater than six (6) feet.
- (C) *Exceptions.* Fences surrounding antennas or towers shall be permitted so long as their height is four (4) feet in accordance with Section 158.26(D)(3) of this Code and screened with densely planted evergreens.

§151.13 DENSITY REGULATIONS.

- (A) Solid fences are prohibited in all residential zoning districts.
- (B) In all residential zoning districts, no fence shall have support posts, pickets or columns greater than six (6) inches in width, diameter or as required in Section 151.08(A).
- (C) All fences in residential zoning districts shall have posts, pickets, or columns spaced so that the minimum spacing is at least as wide as the width of the widest post, picket, or column used in the fence and shall be at least fifty (50) percent open on any elevation.
- (D) The finished side of all fences shall face the adjoining property. The finished side is the side which is the smooth side or the side not containing the structural supports.

§151.14 COMPLIANCE

All fencing must comply with the regulations of this Chapter 151, unless the property owner has previously received a variance/special use permit from the Village for said fence. Any property in violation of this Chapter 151 as of October 19, 2023 shall bring said fencing into compliance within two (2) years following a change of ownership. A compliance letter will be recorded against said non-compliant property the appropriate County Recorders of Deeds. Any fence that needs at least fifty (50) percent repair must come into full compliance with this Chapter 151 at the time of said repair.

§151.15 VARIATIONS

Any fence that does not comply with the provisions of this Chapter shall be required to obtain a variation and meet all the requirements outlined in Section 158.52 of this Code.

§151.65 VILLAGE OWED PROPERTY.

The provisions of this Chapter shall not apply to any fencing located on property owned by the Village.