

- b. A wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants of adjoining premises, not less than five feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
- c. An earth berm not less than four feet in height and planted.
- d. For side yard screening, no such wall plant material or fence shall impair safe site distances. Such evaluation shall be made by the planning commission.

(3) *Fences.*

- a. It shall be unlawful for any person to construct or to cause to have constructed any fence upon any property within the village without first having obtained a permit in the manner provided in this section of the ordinance.
- b. Any person desiring to build or to cause to be built a fence upon property located in the village, shall first apply to the building inspector for a permit. Such application shall contain any and all information required by the building inspector necessary for the determination of whether the erection of such fence will violate any provision of this section.
- c. Retaining walls and fences not more than three feet in height are permitted in required yards of all zones, provided said fences are not more than 75 percent solid. Walls and solid fences of not more than six feet in height are permitted only in side or rear yards in any zone. When installed, the decorative side of the fence or wall shall face the abutting property.  

In all districts, both street frontages for corner lots shall comply with the provisions for front yard fencing. In addition, no fence, structure or planting over 30 inches in height above the curb line except deciduous trees shall be erected or maintained within 20 feet of intersecting street right-of-way lines so as to interfere with traffic visibility across the corner.
- d. In residential zoning districts, all fences shall be constructed of posts sunk in the soil at least three feet with boards, nonbarbed wire, or other suitable material. Temporary plastic fencing shall not be considered suitable material.
- e. Mesh, netting, or other similar devices used for the primary purpose of protecting individual plants or small landscaped or garden areas from harsh weather or animal intrusion shall not be considered fences for the purposes of this chapter.
- f. No fence shall extend towards the street beyond two feet from the established lot line, nor shall any fence or portion of a fence be erected in any area on or parallel to the front lot line except that it shall be located a minimum of two feet behind the inside edge of the established sidewalk line. It shall be deemed unlawful to plant or cause to have planted any shrub or bush outside of the established sidewalk line.
- g. Barbed wire fences are prohibited in all zoning districts. However, barbed wire strands may be used to enclose storage areas or other similar industrial and

commercial uses if approved as part of the site plan review. The strands shall be restricted to the upper most portion of the fence and shall not extend lower than a height of eight feet from the nearest ground level.

- h. Any person within the corporate limits of the village erecting or maintaining any fence between the edge of the established lot line and the inside edge of the sidewalk or where any sidewalk would normally be shall be fully responsible for the care and maintenance of the fence and shall assume full responsibility for any damages arising due to the erection of such fence.

(Ord. No. 215, § 4, 10-20-2008; Ord. No. 220, § 3, 6-7-2010)

**Cross reference**—Fences, § 18-61 et seq.

#### **Sec. 62-76. Nonconformities.**

(a) *Continuance of nonconforming uses and structures.* Only lawful nonconforming uses or structures in existence at the time of passage of this chapter or amendments thereof, may be continued, but shall not be extended, added to or altered unless each such extension, alteration or addition is in conformity with the provisions of this chapter. Land now occupied by an illegal nonconforming use or structure shall not be eligible for any variance or zoning permit until the illegal nonconformity is removed.

(b) *Discontinuance of nonconforming uses.* If the nonconforming use of any land shall terminate for a continues period of over 12 months or more, such use shall not be re-established and any future use of such land or structure shall be in conformity with this chapter.

(c) *Restoration and repair.*

- (1) Such repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made.
- (2) In the event any nonconforming building or structure is damaged by fire, wind, act of God, or act of war, it may be rebuilt or restored provided it does not increase its nonconformity or create any additional nonconformities.

(d) *Change of use or structure.* A nonconforming use may be changed to another nonconforming use if the zoning board of appeals finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use, not to waive the other provisions of this chapter.

(e) *Nonconforming due to reclassification.* The foregoing provisions of this chapter shall also apply to buildings, land or uses which thereafter become nonconforming due to any reclassification or districts or any subsequent change in the regulations of this chapter.