

ORDINANCE NO. 769

AN ORDINANCE AMENDING THE ZONING CODE 17.14(5) and 17.24 OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

The Common Council of the City of Delafield, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1: Section 17.14(5) of the Zoning Code is repealed and recreated to read as follows:

(5) *Fences, walks and hedges.*

(a) *Legislative purpose.* It is the intent of the City to establish and maintain substantial open space around structures for generous light, air, convenience of access, safety from fire and the enhancement of property values. Owners and occupants are encouraged to maintain their lawns, trees, shrubs and flowers as to achieve desired lot definition and privacy and to avoid the division of open areas by artificial means, such as the use of solid fences, that result in walled in yards.

(b) *Permit required.* No person shall, after August 10, 1984, erect, construct, alter, or enlarge a fence without **submitting a survey and** obtaining a permit from the Building Inspector.

(c) *Exceptions.* No permit shall be required for:

1. Decorative fences that are 50% open and 4' or less in height, such as picket fences, split rail fences and cyclone type fences.
2. Fences required under the swimming pool or tennis court ordinances that are part of the approved swimming pool or tennis court plan.
3. **Decorative fences do not include any wire systems other than a cyclone fence.**

(d) *Privacy or patio fences.* A fence designed to provide privacy for a patio not over 6' high, **above grade**, shall be allowed, provided the following conditions are met:

1. A building permit is obtained from the Building Inspector;
2. Such fence is located in the rear yard and within the **allowable principal building location**, ~~setback line~~, unless an exception is granted by the Plan Commission;
3. The finished side of such fence is faced toward the neighboring properties.
4. **All other privacy fences must be approved by the Plan Commission.**

(e) *Business or industry fences.* Fences required of business or industry for screening purposes under other sections of this Municipal Code shall require a permit after processing under pars. (b) and (f) hereof.

(f) *Construction.* Fences shall be constructed so as to have the decorative side facing the neighboring property and/or street and the supportive side facing the inside of the property on which the fence is constructed.

~~(g) *Permit processing.* All permit applications, except those described in par. (d), shall be referred to the Plan Commission, which shall pass upon the~~

~~location, height and harmony with principal structures and neighboring structures and consistency with the legislative purpose of this section. Upon Plan Commission approval, the Building Inspector shall issue a permit.~~

~~(h) **Setback areas.** Fences in setback areas are prohibited, except for those described in subpar. (c)1. Setback refers to front yard areas. See definitions in § 17.24.~~

(i) **Maintenance.** Fences shall be kept and maintained in good, sound, and presentable condition at all times. Fences not so maintained that become an eyesore or otherwise adversely affect property values in the neighborhood shall be removed upon order of the Building Inspector. The order shall provide 20 days minimum for such removal. Such orders shall be appealable to the Administrative Review Board under § 24.02 of this Municipal Code.

(j) **Vision clearance.** See § 17.50 of this chapter, Vision Clearance at Intersections for corner lots.

SECTION 2: A part of Section 17.24 Definitions of the Zoning Code is repealed and recreated to read as follows:

~~Fence. An enclosing barrier consisting of vegetation, wood, stone, metal, or other material. The term "fence" shall be construed to include plantings.~~

Fence means a structure which creates an enclosure, barrier, or boundary; having a permanent location in the ground, or which is attached to something having a permanent location on the ground.


SECTION 3: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: This Ordinance shall take effect and be in force from and after its passage and publication or posting, as required by law.

Dated this 17th day of February, 2020.

CITY OF DELAFIELD

By: 

Kent Attwell, Mayor

ATTESTED:



Michelle Luedtke
City of Delafield, Clerk

Date Adopted: 2-17-2020

Date Published: 2-19-2020

Effective Date: 2-20-2020