

6.2.4 FENCES, WALLS AND SCREENS: To protect the use and enjoyment of residential property by providing for the passage of air and light; to protect public welfare and safety by providing for the safe movement of motor vehicles and pedestrians, by ensuring that property is not adversely impacted by any fence or hedge and by ensuring that fences and hedges do not detract from the aesthetic enjoyment of the community and to facilitate police and fire fighting services, no person shall erect, construct, modify, maintain, plant or grow any fence or hedge in the R-1A, R-1B, R-1C, R-1D, and R-1E Districts (or other area in the township being used as residential property) in violation of this chapter. Fence requirements for the remaining zoning districts are specified within the text of each district description.

1) Definitions:

- a) "Corner lots" All lots with a side property line that abuts a street are considered a corner lot. The street which is not the Principal Street shall be considered a Secondary street and as such fencing adjacent to the Secondary Street shall comply with the requirements for a Secondary front yard.
- b) "Dead Space" is any space that is created by the installation of a fence that is not maintained or able to be accessed for purposes of maintenance.
- c) "Fence" means any wall (except a retaining wall), screen, partition, or similar structure existing on a yard, which either encloses or divides land into distinct areas, separates contiguous properties, obstructs the passage of light and air into adjacent land, or obstructs the vision of motorists or pedestrians on or near public roads.
- d) "Hedge" refers to a dense row of low branching trees, shrubs, vines, or other plant species which encloses land, divides land into distinct portions, separates contiguous properties, obstructs the passage of light and air onto adjacent land or obstructs the vision of motorists or pedestrians on or near public roads.
- e) "Height" shall be measured as the vertical distance from the highest point of the fence or hedge to the average grade of the ground immediately beneath the fence
- f) "Major repair" refers to repairs made directly to the structural portion of the fence.
- g) "Minor repair" means repairs dealing primarily with nonstructural portions of the fence, as well as appearance.
- h) "Perimeter Fence" means a fence that is intended to provide full or partial enclosure of a property along or near the property lines. A perimeter fence is not a fence that is intended only to provide limited screening of a specific element within the property or enclose a small portion of the property for a specific purpose, such as a garden or dog run.

- i) "Principal Front yard" shall mean, for purposes of this section, the area between the principal street (right-of-way) and the front of the dwelling unit or in the event that there is no dwelling unit, the Front Yard shall be the property line that is parallel to the principal street (right-of-way).
- j) "Principal Street" shall mean, for purposes of this section, the street on which the dwellings street address is located, or if there is no dwelling than it is the street that is most logically considered as providing the primary access to the property.
- k) "Secondary Front Yard" shall mean, for purposes of this section, the area between the Secondary Street (right-of-way) and the dwelling unit or in the event that there is no dwelling unit, the Secondary Front Yard shall be the property line that is parallel to the Secondary Street (right-of-way).
- l) "Secondary Street" shall mean, for purposes of this section, a street that abuts a property that also abuts a "principal street".
- m) "Solid" shall mean any fence, wall, screen, planting, hedging, or shrubbery which is of a continuous nature constructed of either natural or manufactured materials.

2) Limitations:

a) Within the limits of the Principal Front Yard:

- (1) No solid fence or hedge shall exceed a height of three (3) feet, unless Section 6.24(2)(a)(2) below applies.
- (2) A fence may be erected or maintained to a height above three (3) feet, but not to exceed a height of four (4) feet, if the fence meets all of the following:
  - a) The fence consists of open spaces uniformly distributed along its surface, or minimally above a height of three (3) feet, so that vision through the fence is not materially obstructed from any angle so as to obstruct the view of vehicular or pedestrian traffic on adjacent streets or public ways.
- (3) A hedge may be planted, grown, or maintained to a height above three (3) feet if the hedge meets all of the following requirements:
  - a) The property owner prepares and submits to the Community Development Department a drawing of the hedge indicating the location, height, and type of plant material to be used.
  - b) The abutting road is a public collector or arterial street as defined by the Ingham County Road Commission.

- c) All abutting property owners submit a written statement that they do not object to the plan.
  - d) The plan is approved by the Director of Community Development or his/her designee.
- b) Within the Limits of the Secondary Front Yard:
- (1) No solid fence or hedge shall exceed a height of three (3) feet unless all of the following conditions are met, in which case the fence may be no greater than six (6) feet in height:
    - a) That the fence is setback a minimum of ten (10) feet from the street right-of-way, and
    - b) The area between the street right-of-way and the fence shall be landscaped as follows:
      - 1. One (1) evergreen tree for each thirty (30) lineal feet of frontage, or fraction thereof.
      - 2. Trees shall be spaced and located to provide the safest and most aesthetically pleasing arrangement for both the subject property and the public. In addition, no tree shall be planted closer than fifteen (15) feet to the side lot line and no tree shall be planted closer than twenty (20) feet in any direction of the intersection of the edge of a driveway and any street, and within twenty (20) feet of the intersection of any sidewalk, or right-of-way line.
      - 3. One shrub shall be required for every ten (10) lineal feet, or fraction thereof.
      - 4. Required shrubs shall be no smaller than a standard nursery three (3) gallon size.
      - 5. Required evergreens shall be no smaller than three (3) feet in height if they are spruce or fir and no smaller than four (4) feet in height if they are pine.
      - 6. Properly maintained turf, shredded bark, stone or ground cover plants shall be required between the fence and the right-of-way line. Mass wildflower plantings or weeds are not acceptable ground cover plants.
      - 7. The Director of Community Development may, at their discretion, approve alternative spacing arrangements, alternate plant materials and alternative numbers of plant materials if the application of the Ordinance as written would not accomplish the purpose of this Ordinance. Any deviation permitted by the Community Development Director shall be written on the Building Permit for construction of the subject fence.

8. The Director of Community Development may, at their discretion, allow the reduction in the setback requirement of ten (10) feet from the right-of-way in the event that there are extenuating circumstances present on the site which, if enforced, would not accomplish the purpose of this Ordinance. Any deviation permitted by the Community Development Director shall be written on the Building Permit for construction of the subject fence.
- (2) A fence may be erected or maintained to a height above three (3) feet, but not to exceed a height of four (4) feet, if the fence meets all of the following:
    - a) The fence consists of open spaces uniformly distributed along its surface, or minimally above a height of three (3) feet, so that vision through the fence is not materially obstructed from any angle so as to obstruct the view of vehicular or pedestrian traffic on adjacent streets or public ways.
  - c) Within the limits of the required side or rear yard: No fence shall be erected which exceeds a height of six (6) feet above grade unless the following requirements are met:
    - (1) All abutting property owners submit a written statement that they do not object to the plan.
    - (2) The elevation of the subject property is generally one or more feet lower than abutting properties, or the health and safety of the owner or occupant of the subject property is endangered by uses on any abutting property.
  - d) General requirements:
    - (1) Clear vision area. No solid fence or hedge shall obstruct vision between a height of three (3) and ten (10) feet within twenty (20) feet in any direction of the intersection of the edge of a driveway and any street, sidewalk, or right-of-way line.
    - (2) Swimming pools. A fence must enclose any ~~in-ground~~ swimming pool that is twenty-four (24) inches or more in depth at any point. Such pool enclosure fences must be at least four (4) feet in height with self-closing latching gates.
    - (3) Fence Orientation. Fencing shall be installed with the structural members or framing directed inward toward the property.
    - (4) Underground Utilities. Property owners shall be responsible for locating all underground utilities prior to beginning construction by contacting MISS DIG or consulting other appropriate sources of utility location information.

- (5) Easements. Fencing and hedges shall not be placed within established property easements.
- (6) Surveys. It is strongly recommended that prior to the placement of a fence or hedge the owner obtain a certified survey of the property in order to ensure that the fence or hedge will be located entirely within the property boundaries.
  - a) The issuance of a building permit by the Community Development Department for the placement of a fence does not constitute verification that the fence is located within the property lines and Delhi Charter Township shall bear no responsibility if the fence or hedge is improperly located on adjacent property.
- (7) Permit Required. No person shall erect, alter the location of, place or allow to be placed, any fence without first obtaining a building permit from the Department of Community Development, except as otherwise noted in this Section.
- (8) Fee Required. A fee may be established by resolution of the Township Board and will be required to be paid to the Community Development Department prior to the issuance of any building permit.

3) Location requirements:

- a) It is the property owner's responsibility to verify that any fence (or hedge) is placed within their property lines.
- b) No part of any fence or hedge may extend into the public right-of-way or a permanent access or utility easement.
- c) No fence or hedge shall be located in a manner as to create "dead space" between an existing fence or building and the proposed fence or hedge.

4) Materials:

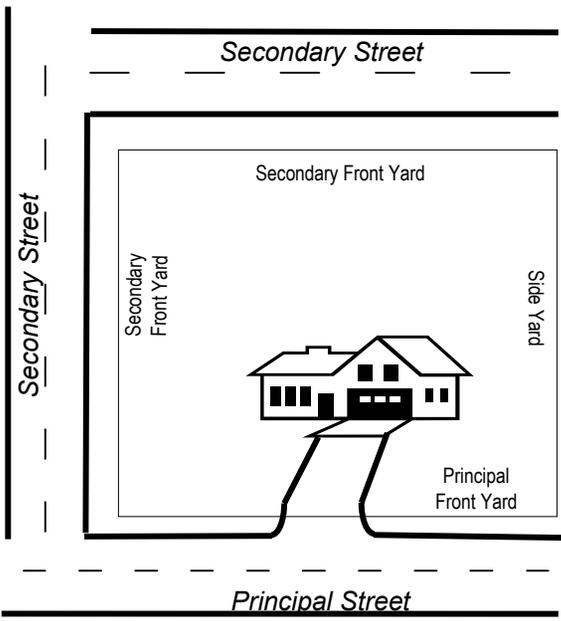
- a) Fences shall be constructed of one or more of the following: chain link, wood, brick, concrete, plastic, vinyl or other material that is approved by the Community Development Director or a designee.
- b) Materials such as, but not limited to, scrap wood, metal panels, extrusions, stampings, forging or other materials of a similar nature are not intended for use as fence and shall not be permitted.

5) Barbed Wire and Electric Current: No fence in one of the zoning districts listed in this chapter, or on a parcel being used as residential, shall utilize barbed wire, razor wire, or a similar type of wire, or carry an electrical current. This provision is not intended to limit the

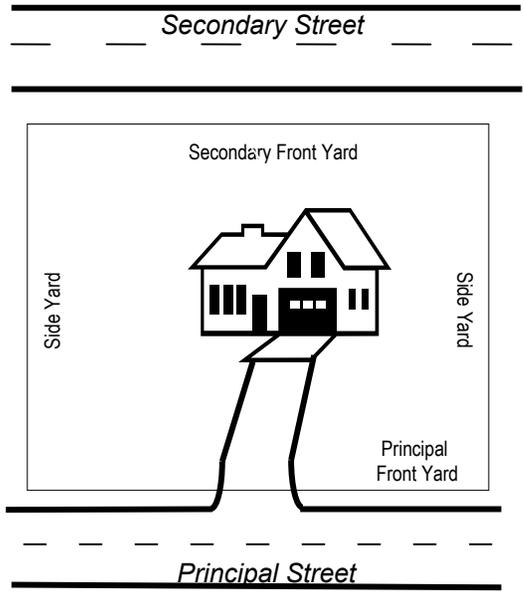
use of these types of fencing in the A-1 Agriculture district when the use of such materials is necessary to carry out farm operations including the keeping of livestock or animals.

- 6) Maintenance Requirements; Unsafe or Dangerous Fences: Fencing shall be considered unsafe, dangerous, or not maintained if any of the following conditions are met:
- a) Whenever the fence area is in need of paint or other minor repair.
  - b) Whenever any portion of the fence or hedge has been damaged by wind, flood, fire or other cause in such a manner that structural strength or stability is appreciably less than it was previous to such event.
  - c) Whenever any portion or structural member of the fence is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
  - d) Whenever more than ten (10) percent of the fence area is in need of structural repair.

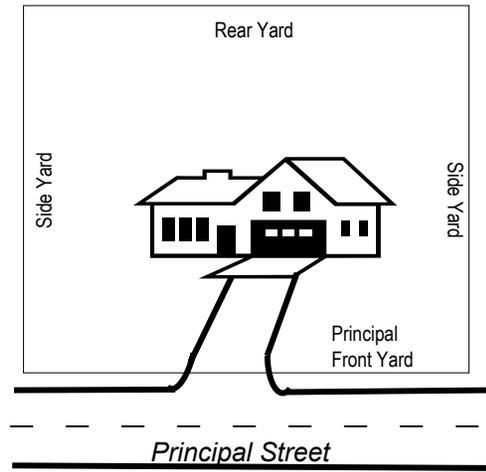
Attachment B: Illustration of Potential Yard Layouts.



Example 1



Example 2



Example 3