

Text amendment approved on April 06, 2023 Planning Commission meeting. Public hearing to be held on May 04, 2023

#### Existing Definitions

*Fence* - A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure.

*Screen* - A structure providing enclosure, such as a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials such as trees and shrubs.

*Yard, rear* - A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building (see Figure 5).

*Yard, side* - A yard between any building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the principal building.

*Yard, front* - A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the principal building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. In all cases, the front lot line is that portion of the lot which abuts a public road right-of-way or private road easement.

#### 6-5 Definitions

##### New Definition

*Yard, front* - A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the principal building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. In all cases, the front lot line is that portion of the lot which abuts a public road right-of-way or private road easement to which the address of the structure is assigned.

- **Sec. 6-178. - Fences, walls and screens.**

Any person desiring to build or cause to be built a fence, wall, or screen upon property within the Village of Stockbridge shall first apply to the zoning administrator for a permit *Note:* (Construction / emergency /safety/ event fences are exempt from requiring a permit ) . Application for such permit shall contain any and all information, including site plan and opacity, which are required and necessary for the determination of whether the erection of such fence would be contrary to the provisions of this article. The fee for such permit shall be set by council resolution.

Except as otherwise required by this article, the following regulations shall apply:

(a) *General requirements.* All fences in the village shall meet the following requirements:

*Note:* (Construction / Emergency /Safety/ Event fences are exempt from requiring a permit)

(1) *Permit.* Any person desiring to build or causing to be built a fence wall, or screen or replace a fence wall, or screen upon property within the corporate limits of the Village of Stockbridge shall first apply to the zoning inspector for a permit to do so. Application for such permit shall contain any and all information, including drawings, required and necessary for the determination of whether the erection of such fence would be contrary to the provisions of this chapter or the laws of the State of Michigan. In issuing a fence permit, the Village of Stockbridge shall not be responsible for the location of fence with respect to property lines.

(2) *Standards.* It shall be unlawful for any person, firm or corporation to construct or cause to have constructed any fence wall, or screen *Note:* (Construction / emergency /safety, (Event fences are exempt from requiring a permit ) upon any property within the corporate limits of the Village of Stockbridge, except in accordance with the requirements herein provided.

- a. All fences, walls, or screens shall be constructed within the property lines (as stipulated in Table 1) of a lot unless there is a written consent from the adjoining property owners. The village shall not be responsible for the determination of the location of any fence to be erected on lot lines. Fences wall, or screen shall be constructed at least five feet from any public sidewalk or right-of-way.
- b. Table 1 Provides: Fence Height, Wall height , or screen height, Set Back and Opacity and Allowed type of Construction material. Table 1 requirements shall apply to all type of fences.

**TABLE: 1**

Location	Minimum Height	Maximum Height	Opacity	Required Set back from property line or road right away unless written authorization for adjacent property owner is obtained shall be
Rear Yard. Refer to sec.6-5 for definition	3 feet	6 feet	0% to 100%	6 inches
Side Yard. Refer to sec.6-5 for definition	3 feet	6 feet	0% to 100%	6 inches
Corner lot Side Yard with sidewalk	3 ft	6 ft	0% to 100%	Minimum of 6 inches from any public sidewalk. Note Refer to Section 6-177 for tree planting requirements.
Corner Lot Side Yard abutting road	3 ft	6 ft	0% to 100%	Minimum of 5 feet from any right-of-way. Note Refer to Section 6-177 for

				tree planting requirements.
Front Yard* For the purposes of this section the front yard is defined as being the side to which the building address is assigned too. Refer to sec.6-5 for definition and drawing.	3 feet	4 feet	0 % to 50%	Minimum of five feet from any public sidewalk or right-of-way.
Front yard fence, wall, or screen shall be constructed of materials designed for landscape effect as an example: split rail, Shrubs, Trellis, picket or wrought iron. Residential Front yard fences, Walls or Screening, constructed of materials designed for other than landscape effects, including, but not limited to chain link, snow fences, and wire, shall not be permitted. A screen for side yard or backyard may also consist of living materials such as trees and shrubs. Refer to section 6-176 and section 6-177				
Commercial M-1, C-2, C-3		16 ft.	0 % to 50%	6 inches, Note: Barbed wire on top of fence requires Planning Commission approval on a case by case basis
Day Care facilities 6-143	4 ft	6 ft	0 % to 100%	2 ft Outdoor play areas shall be enclosed by a fence that is designed to discourage climbing,
Liquid propane, oils and refined fuel storage, sales and services	6 ft	12 ft	0% to 75%	50 ft
A security fence for Propane etc. shall be erected to enclose the storage area. Such fencing may be made with slats or other aesthetically pleasing material to blend in with the adjoining area. The security fence shall not be located in any required yard (front, side, or rear setback area). (e) All setbacks for front, side and rear yards shall be a minimum of 50 feet.				
Artificial Pools 6-179 Fences and Gates	4 ft	6 ft.	0% to 100%	6 inches
<i>Fences and gates.</i> Every outdoor artificial pool shall be completely surrounded by a fence or wall not less than four feet in height, constructed so as not to have openings, holes, or gaps larger than four inches in any dimension except for doors and gates, and if a picket fence is erected or maintained, the horizontal dimension shall not exceed four inches.				
Public or institutional parks, playgrounds, or public landscaped areas		8 ft	25%	6 inches
Open Conservation district	0 ft.	6 ft	0 % to 50 %	6 inches ft
In the open conservation district, a fence up to six feet in height may be permitted, subject to satisfactory aesthetic appearance, as approved by the Planning Commission				
<i>Screening between land uses.</i>	6 ft.	Unspecified	80%	Refer to section 6-176 and section 6-177 and any other applicable ordinance sections.
A landscape buffer shall be constructed to create a visual screen at least six feet in height along all adjoining boundaries between either a conflicting nonresidential or conflicting residential land use and residentially zoned or used property. A landscape buffer may consist of earthen berms and/or living materials to maintain a minimum opacity of at least 80 percent. Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required by the village. Such wall or fence shall be a minimum of six feet in height as measured on the side of the proposed wall having the higher grade				

Self-storage Facility	6 ft	6 ft	80%	6 inches side and back from lot line Front set back 20 ft from road right away
Self-Storage Facility: A six-foot fence shall surround the property. The fence shall be aesthetically pleasing and must be made of material approved by the planning commission. The fence must set back at least 20 feet from the road right-of-way, and 6 inches on the side and rear of the yard. It shall be the applicant's responsibility to perform a staked survey of the property to ensure the fence is located no closer than 6 inches of the side and rear property line. The use shall be fully screened from adjacent residential uses with a proper buffer or greenbelt, in addition to any fence required herein, in accordance with <u>section 6-176</u> of the zoning ordinance.				
<i>Screening of trash containers.</i>	6 ft	8 ft	Opaque fence or wall, 100%	
Outside Trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.				
Clear Vision requirement: No fence, wall, screen, hedge, sign, or other structure or planting shall obstruct visibility between the heights of 30 inches and ten feet above the sidewalk grade within 25 feet of the intersection of two or more streets.				
Landscaping, greenbelts and buffers, and screening shall comply with section 6-176 and section 6-177 and any other applicable ordinance sections.				
Strictly prohibited on any fence of any type Commercial or Residential electrical current or charge, Razor edge fence, spikes, nails or any sharp point or instrument of any kind on top or on the sides of any fence,				

- c. Gates in fences shall not open over public property.
- d. Retaining walls taller than one foot above the adjacent ground level shall be considered as fences and shall be subject to the requirements of this section.
- e. Fences which enclose public or institutional parks, playgrounds or public landscaped areas, situated within an area development with recorded lots, shall not exceed eight feet in height and shall not obstruct vision to an extent greater than 25 percent of their total area. The zoning board of appeals may permit a greater height.
- f. The height of a fence shall be measured from the average grade of the fence line.
- g. Temporary fences such as construction fences or any other type of temporary fencing may be permitted but shall not be in place for a period greater than one year without special approval of the zoning board of appeals.
- h. Public Property owned by the Village In the (PUB) district and in districts M-1, C-2, C-3 barbed wire, up to three strands may be installed on top of a minimum 6 ft high up to 16 ft high fence. Every effort shall be made not to have barbed wire on front sections of fence. The installation of Barbed wire on a fence requires specific approval of Planning Commission in conjunction with a site plan review as required by 6-45 and requirements stated in (h1) below.

h1. Applicant must clearly state in writing justification for requiring barbed wire on top of fence by providing specific examples of repercussions that could result if barbed wire on top of fence is not authorized. Justification must be related to life safety, product viability that compromised would prove dangerous to humans, animals and or public welfare.

I. Razor wire fencing, spikes, nails, sharp pointed stakes, broken glass or any other type of sharp pointed object, or instrument of any kind is strictly prohibited on the top or on the sides of any fence, Electrical current or charge in said fences, is also strictly prohibited.

(3) *Maintenance of fences.* Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type or construction, or otherwise endangers life or property, is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the zoning inspector or authorized representative shall serve written notice to the owner, agent, or person in control of the property upon which such fence is located. The notice shall describe unsafe conditions, shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a 30-day limit for such repairs, modifications, or removal.

3a. Failure to repair fence will result in Village arranging for repairs to be made and back charging the owner of said fence for repair cost. Failure to pay for repair will result in lien on property.

(4) *Alterations.* Any person, firm or corporation being owners, lessee, occupant or agent of the same, of any property containing a fence which is contrary to the provisions of this section, shall not alter, change, repair or rebuild said fence without first having obtained a permit.

(b) In a C-2 or C-3 commercial district or M-1 Light industrial district, no fence, wall, or other screening structure shall exceed 16 feet in height.

(c) In the open conservation district, a fence up to six feet in height may be permitted, subject to satisfactory aesthetic appearance, as approved by the planning commission.

(d) *Clear vision requirements.*

(1) No fence, wall, screen, hedge, sign, or other structure or planting shall obstruct visibility between the heights of 30 inches and ten feet above the sidewalk grade within 25 feet of the intersection of two or more streets.

(2) On any interior lot, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of a driveway, either on a parcel or on an adjacent parcel, between the height of 30 inches and ten feet measured a distance of 20 feet back from the point where the driveway intersects the street.

Notice in Lansing State Journal on April 14, 2023

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