

Village of Lake Isabella - Codified Ordinances

Article XII – Planning & Zoning

Chapter 1222 – Fences and Walls

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1222.01 PURPOSE & INTENT

The purpose of this Chapter is to establish regulations controlling the use and construction of fences, walls, and pet enclosures in a manner which enhances and protects the public health, safety, and general welfare by ensuring quality workmanship, pleasing aesthetics, and prohibiting fences which may degrade to the overall character of the village or otherwise have a negative impact property values.

It is the further intent of this Chapter to maintain clear visibility for vehicular and pedestrian traffic on adjacent public right-of-ways that may be affected by fences or wall locations and heights; to protect the natural movement of wildlife in the village; and to regulate the type, height, location, and materials of fences, walls, and pet enclosures in the Village of Lake Isabella.

1222.03 DESIGN & CONSTRUCTION OF FENCES & WALLS

1. All fences and walls that are over 36 inches in height shall comply with section and require the issuance of a zoning permit prior to their construction.
2. All fences and walls on each property must have reasonably uniform or complementary materials and design..
3. After construction, fences and walls must be maintained with all original components and they must remain substantially vertical to serve their functions and aesthetic purposes. Structural integrity

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must not be comprised to the point that the fence would present a danger of flight or destruction during high winds.

4. No fence other than those placed by the Village of Lake Isabella, Isabella County Road Commission or Michigan Department of Transportation may be constructed within a public right-of-way.
5. With the exception of Electric Pet Fences, no fence may utilize or otherwise be electrically charged, nor may any fence have barbed wire in any residential district. Any fence located outside of a residential district that utilizes barbed wire or electrical current (with the exception of Electric Pet Fences), must have warning signs posted on the fence every fifty feet (50') and may be erected only after being specifically authorized by the Planning Commission as part of a site plan approval. Such fences may only be approved by the Planning Commission when the Site Plan Application includes a notarized letter of indemnification which absolves the Village of Lake Isabella, its employees, heirs, and assigns of any and all liability for the use of the barbed wire or electrical current.
6. Any fence constructed after the adoptive date of this ordinance without first obtaining a zoning permit may be removed by the Zoning Administrator after written notice to the appropriate owner and/or occupant. Such notice may be provided by posting a legible notice on the particular property or properties and publication in the appropriate local newspaper of general circulation. Costs of such removal may be assessed against the property owner or resident as a Single Parcel Special Assessment District as detailed in the codified ordinances of the Village of Lake Isabella. The Village of Lake Isabella and its agents or employees shall not be liable for any damage, trespass or injury, consequential or otherwise, which occurs to persons or property in the removal of a fence in accordance with these provisions.
7. Any fence which does not meet the regulations of this chapter permitted or existing prior to the enactment of these regulations is hereby deemed to be non-conforming and shall not be repaired, reconstructed, replaced or renovated in a manner where the cost of such reconstruction, replacement, or renovation is equal to or greater than 50% of the reconstruction, replacement, or renovation value of the entire fence without meeting the requirements of these rules.
9. In all residential districts, no fence or privacy panel may be erected within thirty-five feet (35') of the ordinary high water mark of any lake, river, or stream.

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10. Fences shall be constructed and maintained in a manner so that the finished side faces adjoining properties.
11. No fence shall be erected or maintained on a corner lot, or in an adjacent manner to a driveway which would interfere with vehicular or pedestrian traffic. This includes a maximum height of three feet (3'), and clear vision triangle formed at the corner of the property line, or edge of the driveway measured by a distance of 25 feet along each leg of the triangle.
12. All fences which enclose an area shall have a self-closing latching gate which shall be capable of being locked.
13. Fence gates shall not open over adjacent properties.
14. With the exception of Split-Rail Fences, fences shall not be erected on parcels without an established primary structure.
15. Decorative Fences shall not fully enclose utility boxes.
16. No portion of a fence, including posts and post footings, shall extend past the property line without the adjoining parcel owner's written prior consent.
17. Existing Cyclone Fences shall not add weave or slats in a manner which reduces the opacity of the fence.
18. Fences may incorporate one rail in addition to the bottom rail for each 18" of height.
19. No fence shall have an opacity less than 50% except for Decorative Fences under three feet in height which are constructed entirely of brick/stone and mortar.

1222.05 SNOW FENCES

Snow Fences shall be prohibited except for exclusive control of snow between November 1st through April 30th of the following calendar year, and as authorized by the Zoning Administrator for special events, excavation holes, or construction sites.

1222.07 PET ENCLOSURES

Pet Enclosures shall be regulated in the following manner:

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- a. Pet Enclosures shall be limited to not more than 300 total square feet on any residential parcel.
- b. Tarps or other fabric may not be used as screening on the sides of any pet enclosure. Slates or weave may be utilized on not more than two sides of a pet enclosure to provide shade and screening. Prefabricated roofs are also permitted.
- c. Pet Enclosures shall be located only in rear or side yard, and shall be at least 10 feet from the property line.

1222.09 PRIVACY PANELS

Privacy Panels shall be regulated in the following manner:

- a. Privacy Panels shall only be made from the following materials: wood, vinyl, or composite wood.
- b. Privacy Panels are limited to 6 feet (6') in height and individual sections shall be no longer than 16 feet (excluding posts).
- c. A maximum of 32 linear feet (excluding posts) of Privacy Panels is permitted per parcel, provided that at least one of the sections be connected to a primary structure, accessory structure greater than 200 square feet in ground coverage, deck, or garage.
- d. Privacy Panels shall be finished in stain or sealant of natural finish, or painted with neutral colors such as white, grey, light brown, tan, or off white.

1222.11 PROHIBITED MATERIALS

The following materials shall be prohibited in all fences unless otherwise allowed in the zoning code: poultry netting, chicken wire, hog wire, chain, broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, oriented strand board (OSB), fiberglass panels, plastic sheeting, damaged or unsafe materials, bamboo, PVC pipe, tin cans, aluminum cans, plastic bags, pie pans, bells, plastic bottles, plastic jugs, or other material that is specifically designed for uses other than fence construction.

1222.13 RETAINING WALLS & BERMS

1. If a retaining wall, earth buildup, berm, or other structure or condition is created within thirty (30) feet of a residential dwelling and has on one or more sides a drop of more than thirty (30) inches, the Zoning Administrator shall have the discretion to require installation and maintenance of a railing, fence or other restraint device to prevent children and others from falling, if the Zoning Administrator determines that such a restraint is reasonably necessary for safety. Any party aggrieved by such a determination by the Zoning

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Administrator may appeal that decision to the Zoning Board of Appeals.

2. Fences shall not be located on berms in such a manner that the height of the berm increases the height of the fence with respect to the established grade of the rest of the parcel.

1222.15 YARD SETBACKS

1. With the exception of Decorative Fences 3 feet and less in height, and split-rail fences all above ground fences are prohibited in yards which abut a public right-of-way, unless otherwise permitted herein.
2. With the exception of split rail fences placed along a property line, no fence shall be located within 35 feet of the ordinary high water mark of Lake Isabella or the Chippewa River. Such fences shall only be allowed upon the written consent of both owners sharing the property line.
3. In residential districts, allowed fences may be located in rear and side yards with the following limitations in addition to the other placement limitations contained herein:
 - A. The fence shall not extend more than a total of 10 feet outside the perimeter of the primary structure and any accessory structure with a footprint greater than 200 square feet, and may extend to one of the side property lines in the rear/side yard. Except that no fence may be placed within 8 feet of the opposite rear/side property line of the parcel when the fence is located on one rear/side property line as illustrated herein.
 - B. The fence may be built to the rear property line.



