

# Village of Lake Isabella

1010 Clubhouse Drive  
Lake Isabella, MI, 48893  
989-644-8654

## **ORDINANCE 2017-\_\_\_\_** **REGULATION OF FENCES**

The Village of Lake Isabella hereby ordains:

### **SECTION 1 PURPOSE**

The purpose of this Ordinance is to amend the zoning code of the Village of Lake Isabella 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.

### **SECTION 2 DEFINITIONS AMENDED**

The following definition of the words and terms used in the zoning code and included in Chapter 1204 of the Codified Ordinances of the Village of Lake Isabella are hereby amended to read as follows:

Fence: An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening, or confinement, but not including hedges, shrubs, trees, or other natural growth. ~~Except as otherwise defined in these regulations, "FENCE" means any upright wall or barrier of posts and rails which may include pickets constructed of wood, stone, brick, metal, vinyl, wire mesh, plastic, "chicken wire," "hardware cloth," or similar material that is designed to, or does, enclose, protect, divide, confine or define a boundary, an area or a property. Fences are not considered accessory structures, but may include architectural or landscaping features such as adjoining, staggered or connected panels made of wood, vinyl or similar material.~~

Picket Fence: A fence made of wood, wood composite, vinyl, wrought-iron, or similar material which uses slats, or similar materials between posts with a minimum space of three inches (3") between pickets. ~~For pickets larger than three inches (3") in width, the pickets shall be spaced at intervals equal to or greater than the width of the pickets used to ensure an opacity of 50% or greater.~~

Privacy Fence: A solid fence which creates an opaque wall or screen which prevents views across the fence line. ~~Also known as a stockade fence, is a fence typically made of wood or vinyl that is designed to screen the view of any person looking at it so that the area enclosed by the fence is hidden or obstructed in whole or part. This includes picket style fences with a space less than three inches (3") between pickets. Or where the spacing of the pickets create an opacity of less than 50% for the fence. Stone and masonry walls over three (3) feet in height, shadowbox fences, and lattice shall be~~

~~considered privacy fences. Cyclone fences which feature weave or slats inserted into the wire mesh shall be considered a privacy fence.~~

### **SECTION 3 CHAPTER 1222 REPLACED**

Chapter 1222 of the Codified Ordinances of the Village of Lake Isabella is hereby repealed in full as currently written and replaced by a new Chapter 122 to read as shown in Exhibit A.

### **SECTION 4 SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is found for any reason to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

### **SECTION 5 ORDINANCES REPEALED**

All ordinances and/or parts of ordinances inconsistent with this Ordinance are hereby repealed

### **SECTION 6 EFFECTIVE DATE**

This Ordinance shall take effect and be in force upon the expiration of 7 days of the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Lake Isabella. This Ordinance and attached document shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedure of the Village of Lake Isabella.

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We, the undersigned, President and Clerk of the Village of Lake Isabella, Isabella County, State of Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance #2017-\_\_\_ **“REGULATION OF FENCES”** of the Village of Lake Isabella was adopted in the following manner with at least seven days elapsing between the publication of the public hearing for the Ordinance and the enactment by the Village Council at regular or special meeting of the Lake Isabella Council, offered by councilmember \_\_\_\_\_, and seconded by councilmember \_\_\_\_\_. Originally introduced by councilmember \_\_\_\_\_.

<b>Planning Commission Introduction</b>	<b>November 15, 2016</b>
<b>Planning Commission Public Hearing</b>	<b>November 15, 2016</b>
<b>Planning Commission Recommendation →</b>	
<b>Village Council Introduction</b>	
<b>Village Council Public Hearing</b>	
<b>Village Council Enactment</b>	

The vote on this Ordinance was taken by roll-call with the “yeas” and “nays” recorded as such.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Dated at Lake Isabella, Michigan, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
 Village Council President  
 Dave Torgerson

\_\_\_\_\_  
 Village Clerk  
 Jeffrey P. Grey

# EXHIBIT A

## Article XII – Planning & Zoning Chapter 1222 – Fences and Walls

Last amended on \_\_\_\_\_ by Ordinance \_\_\_\_\_

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Chapter 1222.01	Purpose
Chapter 1222.03	General Regulations
Chapter 1222.05	District Regulations

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### **1222.01 PURPOSE**

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.

### **1222.03 GENERAL REGULATIONS**

1. Fences may be placed on the lot line.
2. All fences other than invisible fences and fences erected by the Village of Lake Isabella shall require the issuance of a zoning permit prior to construction.
3. Fences are prohibited in a streetside yard, and are also prohibited within 35 of the ordinary high water mark of any lake, stream, or river. This does not prohibit the placement of a split-rail fence or picket fence along the side property line of a parcel with a structure. Fences in the streetside yard may be approved as a Special Land Use in the RLM, Ag, and OSR districts.
4. All fences and walls on each property must have reasonably uniform or complementary materials and design.
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. Essential retaining walls are permitted in all yards.
7. Snow fences are permitted in all districts from November 1<sup>st</sup> through May 1<sup>st</sup> of the following calendar year.

8. Fences shall be constructed and maintained in a manner so that the finished side faces adjoining properties.
9. 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.
10. With the exception of Split-Rail Fences, fences shall not be erected on parcels without an established primary structure.
11. Snow Fences shall be prohibited except between the dates of 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.
12. Pet Enclosures shall be regulated in the following manner:
  - 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.
13. 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.
14. Cyclone Fences are prohibited in all residential districts.
15. Privacy fences are prohibited on waterfront parcels, and are limited to a maximum height of 6 feet in all residential districts. [Forty linear feet \(40'\) of Privacy Panels may be used on waterfront parcels to provide screening for patios, decks, and other areas provided that either the starting or ending point of the panels is connected to a structure.](#)
16. Garden Fences and trellises shall not exceed a height of five feet. [Garden Fences may feature the use of Hog Wire for the full height, and Chicken Wire to a height of 24 inches. Garden Fences which feature wood posts may be left up year-round, while Garden Fences which use metal posts must be annually removed by November 1<sup>st</sup>.](#)

**1222.05 DISTRICT REGULATIONS**

Districts	Max Height Allowed by Right	Special Land Use Allowed Max Height
LR-1, LR-2	4'*	NA
LR-3, AR, C-1	6'	NA
ECB, WCB	6'	8'

AC	6'	8'
RLM	8'	12'
Ag	8'	12'
OSR	6'	8'

\* Unless otherwise allowed by the zoning code.