

SECTION 3.28 FENCES AND WALLS

- A. **RESIDENTIAL FENCES AND WALLS:** Fences and walls shall require a Zoning Permit issued by the Zoning Administrator and shall comply with the following regulations and requirements:

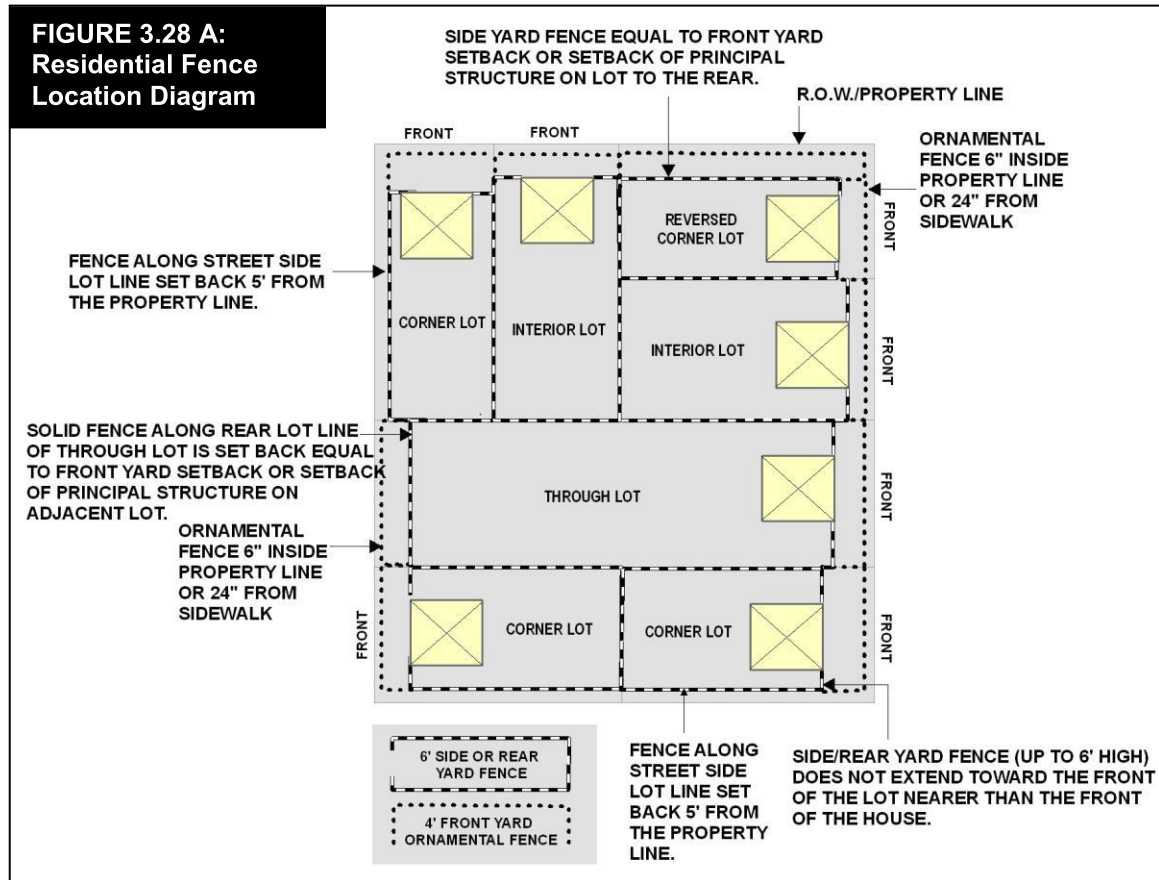


Table 3.28 A
Residential Fences & Walls

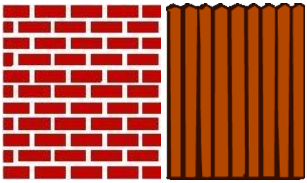
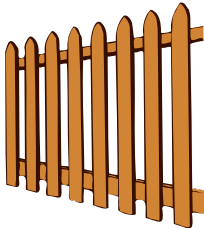
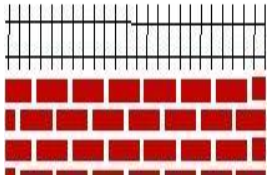
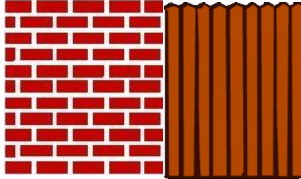
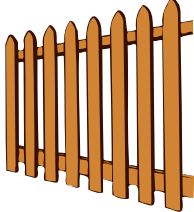
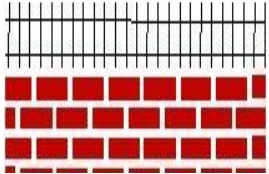
	Solid Fences & Walls	Open Style Fences	Wall/Fence Combination
	Have less than 50% open space.	Have 50% or more open space.	
			
Front Yard		<ul style="list-style-type: none"> Up to 4' high. Fences shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. 	<ul style="list-style-type: none"> Fence/wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 3.5' high.
Rear Yard & Interior Side Yard	<ul style="list-style-type: none"> Up to 6' high. Outer face may abut property line¹ 	<ul style="list-style-type: none"> Up to 6' high. Outer face may abut property line (SEE §3.28 H). 	<ul style="list-style-type: none"> Up to 6' high. Outer face may abut property line¹
Street Side Yard (not reversed corner lot)	<ul style="list-style-type: none"> Up to 6' high. Set back at least 5' from the property line. 	<ul style="list-style-type: none"> Up to 4' high: Set back no less than 2' from the sidewalk or 6" inside property line, whichever is greater. 	<ul style="list-style-type: none"> Up to 4' high: Set back no less than 2' from the sidewalk or 6" inside property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 3.5' high.
		<ul style="list-style-type: none"> Between 4' – 6' high: Set back at least 5' from the property line. 	<ul style="list-style-type: none"> Between 4' – 6' high: Set back at least 5' from the property line.
Corner Side Yard (on reversed corner lot)	<ul style="list-style-type: none"> Up to 6' high: Set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less. 	<ul style="list-style-type: none"> Up to 4 high: Set back no less than 2' from the sidewalk or 6" inside property line, whichever is greater. 	<ul style="list-style-type: none"> Up to 4' high: Fence/wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 3.5' high.
		<ul style="list-style-type: none"> Between 4' - 6' high: Set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less. 	<ul style="list-style-type: none"> Between 4' - 6' high: Set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less.

Table 3.28 A (continued)
Residential Fences & Walls

	Solid Fences & Walls Have less than 50% open space.	Open Style Fences Have 50% or more open space.	Wall/Fence Combination
			
Through Lots			
Front Yard (the lot line upon which the front of the principal structure faces)		<ul style="list-style-type: none"> Up to 4' high. Fences shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. 	<ul style="list-style-type: none"> Fence/wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 4' high.
Rear Yard (the lot line opposite the front lot line)	<ul style="list-style-type: none"> Up to 6' high. Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots. 	<ul style="list-style-type: none"> Up to 4' high. Fences shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. 	<ul style="list-style-type: none"> Up to 4' high Fence/wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 4' high.
		<ul style="list-style-type: none"> 4' – 6' high. Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots. 	<ul style="list-style-type: none"> 4' – 6' high. Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.
Waterfront Yards (rear yards along the water's edge)	<ul style="list-style-type: none"> Up to 6' high. Set back at least 15' from the Ordinary High Water Mark. 	<ul style="list-style-type: none"> Up to 6' high. May be located at the Ordinary High Water Mark. 	<ul style="list-style-type: none"> Up to 6' high. Set back at least 15' from the Ordinary High Water Mark.
NOTE: Fence requirements for swimming pools are contained in §3.12 (D) .			

B. COMMERCIAL & INDUSTRIAL FENCES & WALLS: Fences and walls which are not part of an approved site plan require a Zoning Permit from the Zoning Administrator. All fences and walls shall comply with the following regulations and requirements:

Table 3.28 B
Commercial and Industrial Fences & Walls¹

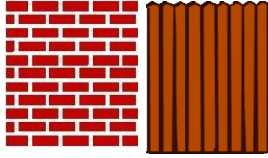
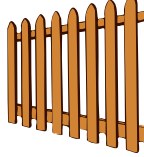
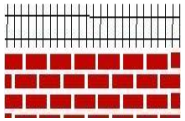
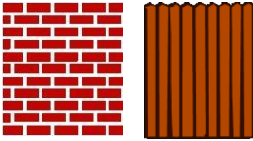
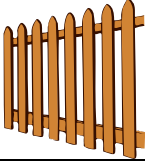
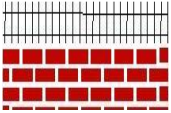
	Solid Fences & Walls	Open Style Fences	Wall/Fence Combination
	Have less than 50% open space.	Have 50% or more open space.	
			
Front Yard		<ul style="list-style-type: none"> Up to 4' high. Fences shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. 	<ul style="list-style-type: none"> Fence/wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 4' high.
Rear Yard & Interior Side Yard	<ul style="list-style-type: none"> Commercial Lots: Up to 6' high. Industrial Lots: Up to 8' high. 6 additional inches allowed for fence posts. Outer face may abut property line¹. 	<ul style="list-style-type: none"> Commercial Lots: Up to 6' high. Industrial Lots: Up to 8' high. 6 additional inches allowed for fence posts. Outer face may abut property line (SEE §3.28 H). 	<ul style="list-style-type: none"> Commercial Lots: Up to 6' high. Industrial Lots: Up to 8' high. 6 additional inches allowed for fence posts. Outer face may abut property line¹
Street Side Yard (not reversed corner lot)	<ul style="list-style-type: none"> Commercial & Industrial Lots: Up to 6' high and set back at least 5' from the property line. Industrial Lots: Over 6' but not more than 8' must be set back at least 10' from the property line. 	<ul style="list-style-type: none"> Commercial & Industrial Lots: Up to 4' high: Set back no less than 2' from the sidewalk or 6" inside property line, whichever is greater. 	<ul style="list-style-type: none"> Up to 4' high: Set back no less than 2' from the sidewalk or 6" inside property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 4' high.
		<ul style="list-style-type: none"> Commercial & Industrial Lots: Between 4' – 6' high: Set back at least 5' from the property line. Industrial Lots: Over 6' but not more than 8' must be set back at least 10' from the property line. 	<ul style="list-style-type: none"> Commercial & Industrial Lots: Between 4' – 6' high: Set back at least 5' from the property line. Industrial Lots: Over 6' but not more than 8' must be set back at least 10' from the property line.
Corner Side Yard (on reversed corner lot)	<ul style="list-style-type: none"> Commercial & Industrial Lots: Up to 6' high: Set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less. Industrial Lots: Over 6' but not more than 8', must be set back an additional 5' beyond the above requirements. 	<ul style="list-style-type: none"> Commercial & Industrial Lots: Up to 4' high: Set back no less than 2' from the sidewalk or 6" inside property line, whichever is greater. 	<ul style="list-style-type: none"> Commercial & Industrial Lots: Up to 4' high: Fence/ wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 4' high.
		<ul style="list-style-type: none"> Commercial & Industrial Lots: Between 4' - 6' high: Set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less. Industrial Lots: Over 6' but not more than 8' must be set back an additional 5' beyond the requirements listed above. 	<ul style="list-style-type: none"> Commercial & Industrial Lots: Between 4' - 6' high: Set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less. Industrial Lots: Over 6' but not more than 8' must be set back an additional 5' beyond the requirements listed above.

Table 3.28 B (continued)
Commercial and Industrial Fences & Walls¹

	Solid Fences & Walls	Open Style Fences	Wall/Fence Combination
	Have less than 50% open space.	Have 50% or more open space.	
			
Through Lots			
Front Yard (the lot line upon which the front of the principal structure faces)		<ul style="list-style-type: none"> Up to 3.5' high. Fences shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. 	<ul style="list-style-type: none"> Fence/wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 3.5' high.
Rear Yard (the lot line opposite the front lot line)	<ul style="list-style-type: none"> Commercial & Industrial Lots: Up to 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots. Industrial Lots: Over 6' but not more than 8', must be set back an additional 5' beyond the requirements listed above. 	<ul style="list-style-type: none"> Up to 3.5' high. Fences shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. 	<ul style="list-style-type: none"> Up to 3.5' high: Fence/wall combinations shall be set back not less than 2' from the sidewalk or 6" inside the property line, whichever is greater. May be solid up to 2' high. Open-style fence may make up the balance up to 3.5' high.
		<ul style="list-style-type: none"> Commercial & Industrial Lots: 3.5' – 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots. Industrial Lots: Over 6' but not more than 8', must be set back an additional 5' beyond the requirements listed above. 	<ul style="list-style-type: none"> Commercial & Industrial Lots: 3.5' – 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots. Industrial Lots: Over 6' but not more than 8', must be set back an additional 5' beyond the requirements listed above.
Waterfront Yards (rear yards along the water's edge)	<ul style="list-style-type: none"> Up to 6' high. Set back at least 15' from the Ordinary High Water Mark. 	<ul style="list-style-type: none"> Up to 6' high. May be located at the Ordinary High Water Mark. 	<ul style="list-style-type: none"> Up to 6' high. Set back at least 15' from the Ordinary High Water Mark.

¹ Fence heights shall apply to all commercial and industrial uses unless otherwise permitted in this Ordinance.

- C. **COMMERCIAL AND INDUSTRIAL FENCES & WALLS REQUIRED FOR SCREENING PURPOSES:** For those districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential use of property or a residential district an obscuring fence or wall or a combination thereof as required below (except otherwise regulated by §3.14 Intersection Visibility):

TABLE 3.28 C: Fences & Walls for Residential Screening Purposes	
Use	Requirements
SIDE AND REAR YARD SCREENING REQUIREMENTS	
P-1 Vehicular Parking District	4' 6" high fence or wall
All off street parking areas	4' 6" high fence or wall
OS-1, B-1, B-2, CBD, CCD Districts	4' 6" high fence or wall
B-3	6' high wall
I-1 and I-2 Districts	8' high wall or fence (Height shall provide open storage areas, loading/unloading areas, or service areas the most complete obscuring possible.)
Auto wash, drive-in restaurants, drive-through establishments, loading areas, dumpsters	6' high fence or wall
Hospital - ambulance and delivery areas	6' high fence or wall
Public utility buildings, stations and/or sub-stations	6' high fence or wall; 8' if in an Industrial Zone.
Outdoor storage areas	6' high fence or wall; 8' if in an industrial zone
FRONT YARD SCREENING REQUIREMENTS	
Any non-residential use with a residential use across the street	24" – 30" high wall or shrubs

- Screening Materials:** Chain link or other wire fence utilizing metal, plastic or wood slats shall not be considered an obscuring wall for the purpose of this Ordinance. The Planning Commission may, in its review of site plans for specific uses, allow or require the provision of a greenbelt planting consisting of trees and shrubs alone or in addition to a fence or wall to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result. Greenbelt plantings shall be regulated under §3.29. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved. The height of the berm in addition to the fence atop of the berm shall not exceed the total allowable fence height as permitted by district.
- Location:** Required fences and walls may abut the lot line except where

underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines on abutting residential lots. Upon review of the site plan, the Planning Commission may approve an alternate location for the fence or wall or may waive the fence or wall requirement if in specific cases it would not serve the purposes of effectively screening the use. Required fences or walls may, upon approval of the Planning Commission, be located on the opposite side of an alley when mutually agreeable to the affected property owners. The continuity of the required wall on a given block will be a major consideration of the Planning Commission in reviewing such request.

3. Construction for Screening Purposes:

a. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rustproof and shall be maintained by the commercial or industrial property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated (wolmanized or equal) and maintained at all times.

b. Walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface where uses to be screened do not generate noise which may impact abutting residential uses. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Zoning Administrator.

Walls which screen uses that do generate noise which may impact abutting uses shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Zoning Administrator.

c. Required walls shall be constructed of sound absorbing materials when, in the opinion of the Planning Commission or the Zoning Administrator, the use could result in noise of such frequency and/or magnitude as to pose a potential nuisance to abutting residents.

4. The City may require that a suitable maintenance guarantee be provided for the continued maintenance of walls required under this Ordinance.

5. The requirement for an obscuring wall between off-street parking areas and abutting residential districts or uses shall not be required when such areas are located more than two hundred (200') feet distant from such abutting residential use or district.

6. The Planning Commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served.

D. **DUMPSTER/TRASH AREA SCREENING:** All outside trash storage areas, including dumpsters, shall be screened with a solid fence or wall at least six (6) feet in height.

The construction of the fence/wall shall be architecturally consistent with the primary structure on the lot. Fence/wall materials shall be block, wood, or vinyl. A chain link fence with slats shall not be permitted. A self-latching gate shall be required.

- E. RETENTION PONDS:** Every retention pond required by the City for water runoff storage and in which the deepest point is more than two feet below adjacent ground level with a slope from water's edge being no greater than 4 to 1, shall be enclosed with a fence or protective barrier a minimum of 6 feet in height. This requirement may be waived for those retention ponds that are incorporated within an approved landscape plan as a design feature.

F. JUNKYARDS, MOTOR VEHICLE IMPOUNDMENT YARDS, SCRAP YARDS, RECYCLING FACILITIES, MOTOR VEHICLE WRECKING YARDS

1. A wall or opaque fence, a minimum of eight (8) feet in height and a maximum of fifteen (15) feet in height (including any barbed wire), constructed of painted or treated wood, molded vinyl, painted or textured block, brick, or stone and set 15 feet or more inside the lot lines, shall be maintained in good repair around junk yards, motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards or similar establishments.
2. In a front or corner side yard the fence shall not project beyond the front façade of buildings located on adjacent lots on the same side of the street.
3. Entryways to junk yards, motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards, or similar establishment shall be gated and closed at all times when not in use. Gates shall be opaque and match the style of the fence.
4. A landscaped strip shall be maintained between the fence and property line in the following yards:
 - a. All front and corner side yards;
 - b. The front 1/3 of any side yard; and
 - c. Any yard abutting a residential zoning district or use.

G. CONSTRUCTION AND MAINTENANCE: ALL DISTRICTS

1. Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, chain link, or other materials as approved by the City of Alpena. Scrap lumber, plywood, sheet metal, plastic or fiberglass sheets are specifically prohibited.
2. Ornamental fences located in front yards shall be constructed in a style similar to split rail, picket, wrought iron fences, or decorative masonry. No chain link fences shall be permitted in front yards. Ornamental fences in a front yard must contain openings at least fifty (50) percent the width of the slats. If a wall/fence combination is used, the wall may be solid up to twenty-four (24) inches in height

- and an open-style fence can make up the balance to total forty-two (42) inches high.
3. Fences on residential or commercial lots shall not contain barbed wire, electric current or charge of electricity.
 4. Fences located in the side or rear yard of industrial lots may contain barbed wire, electric current or charge of electricity.
 5. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished and constructed so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
 6. Fences shall be maintained to retain their original appearance, shape and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.
 7. **Visibility Triangle:** Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct visibility triangles as regulated in [§3.14](#).
- H. **FENCES LOCATED DIRECTLY ON THE PROPERTY LINE:** In all districts, fences and walls may be located directly on the property line in the interior side and/or rear yards if a prearranged agreement is signed by both abutting property owners and recorded with the Register of Deeds. Said agreement shall run with the land but shall terminate as per said agreement or upon removal of the fence. If a property line is in dispute, the City shall require either (1) an agreement signed by both property owners or (2) a property survey prior to the installation of a fence.