



**Carlisle | Wortman**  
ASSOCIATES, INC.

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November 18, 2020

Pat Sullivan, City Manager  
**City of Northville**  
215 West Main Street  
Northville, Michigan 48167

Re: Fences – Ordinance Amendments

Dear Mr. Sullivan:

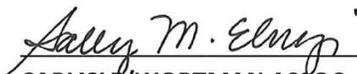
At the November 17, 2020 Planning Commission meeting, the Commissioners held a Public Hearing to consider draft ordinance language that updates the fence provisions in the Zoning Ordinance for both residential and non-residential properties. The draft ordinance covers the following topics:

1. Sec. 18.08: Screen barriers between different land uses
2. Sec. 18.09: Fences in both residential and non-residential districts. A summary of the main changes includes:
  - a. Adding “walls” in the residential fence regulations
  - b. Limit 6.5-foot tall fences to 10-feet behind the front face of the house, and allow 48-inch fences closer than 10-feet to the front face of the house
  - c. Suggested fence materials
  - d. Fence permit and maintenance requirements
  - e. Fence regulations for outdoor storage on commercial properties
  - f. Fence regulations for outdoor dining on private property

The Planning Commission has recommended the ordinance changes to City Council for adoption. The Commissioners also recommend removing duplicate fence requirements in the City’s Code of Ordinances, Chapter 14 Buildings and Building Regulations, Article X, Fences. The proposed deleted language is also attached for Council’s consideration.

The new ordinance text is attached and shown in red colored font, and is ready for City Council’s consideration. If you should have any questions, please feel free to contact us.

Very truly yours,

  
\_\_\_\_\_  
CARLISLE/WORTMAN ASSOC., INC.  
Sally M. Elmiger, AICP, LEED AP  
Principal

Cc: Dianne Massa

**CITY OF NORTHVILLE  
CODE OF ORDINANCE  
ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF NORTHVILLE TO REMOVE DUPLICATIVE FENCE REQUIREMENTS THAT ARE COVERED IN THE ZONING ORDINANCE.

**Section 1.** The City of Northville Ordains

**Chapter 14, “Buildings and Building Regulations,” in the Code of Ordinances of the City of Northville is hereby amended by removing the following described text.**

**Section 2.** Modify the following article (additions are underlined, deletions are ~~struck-thru~~).

*[Modify Article X FENCES]*

ARTICLE X. - ~~FENCES~~ Reserved

~~Sec. 14-291.—Purpose of article.~~

~~The purpose of this article is to promote and protect the public health, safety and welfare by regulating the manner and location of fence installations in the city.~~

~~(Code 1980, § 6-401)~~

~~Sec. 14-292.—Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Exterior side building line* means the line established by the main wall of the side of the building closest to the street on a corner lot extended to the front lot line.~~

~~*Fence* means any structure, partition or gate, whether made of natural living plants or artificial material or a combination of both, intended to act or acting as a marker, barrier or enclosure to restrict access to or egress from a lot or parcel of land, whether enclosing all or part of the lot or parcel, or acting as a barrier to travel from one direction only.~~

~~*Front building line* means the line established by the main wall of the front of the building extended to each side lot line.~~

~~*Landscaping fence* means any fence which is intended to serve as a decoration rather than a barrier.~~

~~*Line fence* means any fence erected along the line dividing a lot or parcel of land from a public street or right of way.~~

~~*Partition fence* means any fence located along the line dividing two lots or parcels of land, whether subject to an easement or not; or along the line dividing a lot or parcel of land from a platted public alley.~~

~~*Privacy fence* means any fence which is not a partition fence, line fence or landscaping fence.~~

~~*Rear building line* means the line established by the main wall of the rear of the building extended to each side lot line.~~

~~(Code 1980, § 6-401)~~

~~**Cross reference**—Definitions generally, § 1-2; see § 18.09 of the separate publication of the zoning ordinance of the city.~~

~~Sec. 14-293.—Penalty for violation of article.~~

~~Any violation of the compulsory provisions of this article shall constitute a municipal civil infraction and, upon conviction, shall be punished by a civil fine of not more than \$500.00 and the costs of prosecution.~~

~~(Code 1980, § 6-407)~~

~~Sec. 14-294.—Permits.~~

~~No fence shall hereafter be erected or altered without first obtaining a permit therefor from the city building inspector. The permit fee shall be set from time to time by resolution of the city council. Application shall include a sketch of the property showing location of proposed fence and a description of the type and height of the fence, as well as all other information which may be required by the building inspector in order that he may determine whether the construction of such fence complies with the city ordinances and restrictions.~~

~~(Code 1980, § 6-402)~~

~~Sec. 14-295.—Protective measures fence.~~

~~Fences designed for protection of the property enclosed may be constructed, erected, rebuilt or maintained upon approval by the city manager or his designee for such approval following the showing of need therefor in any commercial, industrial, or track zoning district as defined by the zoning ordinance, provided the following requirements are met:~~

- ~~(1)—*Height.* Not more than ten feet including barbed wire or other protective device. The barbed wire or other protective device must not be less than six feet above ground level.~~
- ~~(2)—*Location.* Not less than 25 feet from any street intersection.~~
- ~~(3)—*Public utility fences.* Notwithstanding anything to the contrary contained in this section, barbed wire cradles may be placed on top of fences enclosing public utility installation in any zoning use district, which fences shall be constructed to a height of not more than eight feet nor less than six feet.~~

~~(Code 1980, § 6-403)~~

~~Sec. 14-296.—Residential fences.~~



~~Sec. 14-297. Maintenance.~~

~~All owners of lots upon which a fence is erected shall hereafter be responsible for the care and maintenance of the fence.~~

~~(Code 1980, § 6-405)~~

~~Sec. 14-298. Appeals.~~

~~Any person adversely affected may petition the board of appeals for relief from the provisions of this article, in accordance with the procedure and rules of the board. The board of appeals may reduce or remit the requirements of this article and shall do so unless it is found that the variance or relief sought would adversely affect the public health, safety or welfare.~~

~~(Code 1980, § 6-406)~~

Secs. 14-~~299~~291—14-325. - Reserved.

**Section 3. Rights and Duties**

Rights and duties which have matured, penalties which have incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance.

**Section 4. Validity**

Should any section, clause or paragraph of this ordinance be declared by a Court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part therefore, other than the part declared invalid.

**Section 5. Ordinances Repealed**

All other ordinances inconsistent with the provisions of this ordinance are to the extent of such inconsistencies hereby repealed

**Section 6. Effective Date**

This ordinance shall be published per the requirements set forth in Chapter 7 of the City Charter, that being published by the tenth day following adoption and effective on the day following publication.

The foregoing ordinance amendment was adopted at the regular meeting of the City Council of the City of Northville, Oakland and Wayne Counties, Michigan, held on \_\_\_\_\_ at 7:00 p.m. at the City of Northville Municipal Building, 215 W. Main Street, Northville, Michigan, 48167.

\_\_\_\_\_  
Brian Turnbull, Mayor  
City of Northville

\_\_\_\_\_  
Dianne Massa, City Clerk  
City of Northville

The undersigned certifies foregoing ordinance was:

Introduced: \_\_\_\_\_  
Enacted: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective: \_\_\_\_\_

By a vote of \_\_\_\_\_

\_\_\_\_\_  
Dianne Massa, City Clerk