



ZONING ORDINANCE

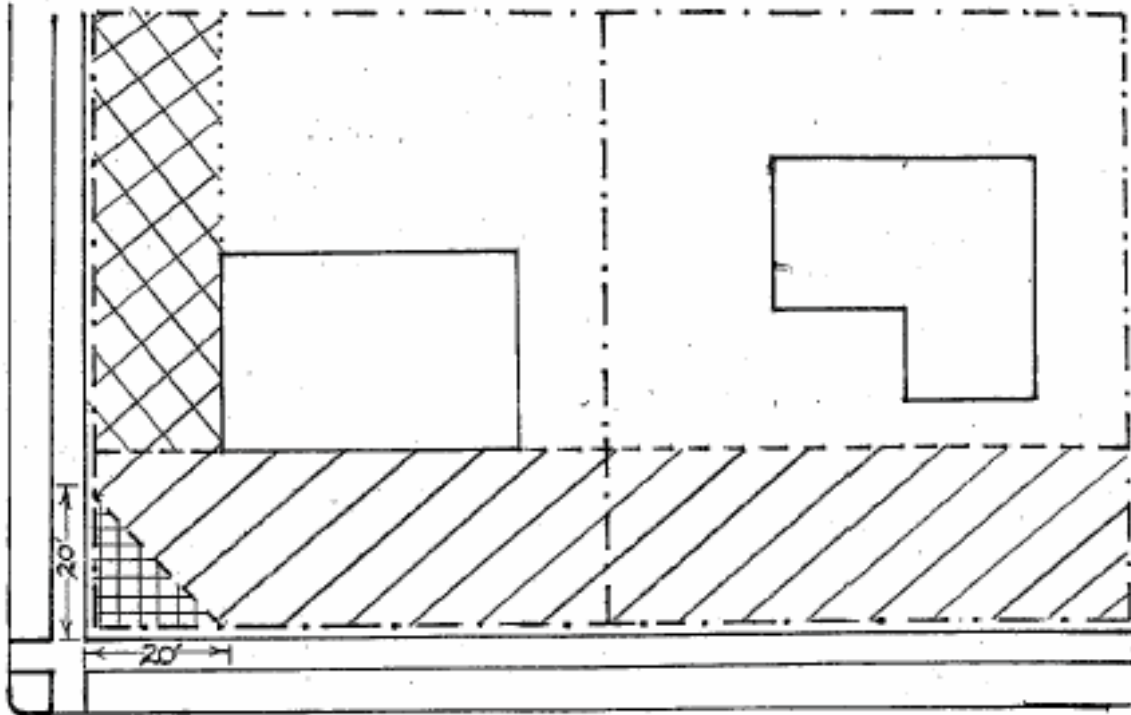
ARTICLE 7.00

WALLS AND FENCES

For more information, please contact:
The Building Department
989-837-3383
or
The Planning Department
989-837-3374

City Hall
333 W. Ellsworth St.

Midland MI 48640



Vehicular sight zone. Fence height limited to 30" maximum in this described area in all residential zones.



Minimum required front yard. Required front yards are the open space extending the full width of the lot, the depth of which is the horizontal distance between the front lot line and the nearest line of the principle building. Fence height limited to 3'6". Minimum front yards in residential zones are:

30' minimum	25' minimum
RA-1	RA-3
RA-2	RA-4
	RB



Minimum required side street yard. Required side street yards on a corner or through lot with more than one street lot line, are an open space between the principle building and the side lot line separating the lot from the street. Fence height limited to 3'6".

Minimum side street yards in residential zones are:

20' minimum	15' minimum	10' minimum
RA-1	RA-3	RB
RA-2	RA-4	

All non shaded areas have a fence height limit of 6'

Section 7.01

GENERAL FENCE AND WALL STANDARDS

A. Permit

The erection, construction or alteration of any fence or wall up to six (6) feet in height shall require a permit issued by the Building Department, subject to compliance with the provisions of this Ordinance. The erection, construction or alteration of any fence or wall taller than six (6) feet in height shall require a building permit issued by the Building Department, subject to compliance with the provisions of this Ordinance and the City Building Code. Construction details for any wall or fence taller than six (6) feet shall be submitted to the Building Department for evaluation with the permit application.

B. Corner Clearance

Walls and fences shall comply with the specifications for maintenance of Unobstructed Sight Distance for drivers, Section 3.09.A(5).

C. Wall, Fence and Gate Materials

Walls shall be constructed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.

Fences shall consist of materials commonly used in conventional fence construction, such as wood, metal, or vinyl. Barbed wire, razor wire or other similar security wires or materials which could easily cause injury to persons shall not be permitted. Fences that carry electric current or any fence, guard wall, or other protection upon which any spike, nail, or pointed instrument of any kind is fixed, attached or placed shall not be permitted. Barbed wire may be permitted in industrial districts, provided that the barbed wire is used only at the top of the fence and extending over the property enclosed and not over adjacent properties.

D. Finished Appearance

If, because of the design or construction, one side of a fence or wall has a more finished appearance than the other, the side of the fence or wall with the more finished appearance shall face the exterior of the lot, except in the Industrial Districts.

Section 7.02

OBSCURING WALLS AND FENCES

Where permitted or if specifically required by this Ordinance, obscuring walls and fences shall be subject to the requirements in this Section. An obscuring wall or fence has more than fifty (50%) percent of the vertical surface opaque so as to obstruct vision or prevent observation of activities enclosed in the fence.

A. Materials

All obscuring walls shall be constructed of a solid, opaque masonry material. Surface areas of any obscuring wall facing a residentially zoned district shall be constructed of brick, decorative block or similar material that is compatible with the principal buildings in the residential district. All masonry obscuring walls shall be erected on a concrete foundation approved by the Building Official. Solid fences shall be constructed of wood, vinyl, or post.

B. Location

Required obscuring walls and fences shall be placed inside and adjacent to the lot line except where underground utilities interfere with placement of the wall at the property line, in which case the wall shall

be placed on the utility easement line located nearest the property line. All walls and fences shall comply with the specifications for maintenance of unobstructed sight distance for drivers in Section 3.09.A(5).

C. Time of Construction

Wherever construction of an obscuring wall or fence is required adjacent to residentially zoned or used property, the wall or fence shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the wall or fence, in which case the wall or fence shall be constructed as soon as feasible after construction commences. Completion of a required obscuring fence or wall shall be required for the issuance of a Certificate of Occupancy.

D. Obscuring Wall Required

For the following uses and districts, an obscuring wall or fence shall be provided along property lines that abut a lot in a residential district or a lot that is used for residential purposes: Business Districts (except CBD and Circle), Industrial and LCMR Districts, Community District, off-street parking, utility buildings and substations, and lots adjacent to freeways.

E. Wall or Fence Height

The height of the wall or fence shall be measured from the lowest ground level at a distance from 5 feet from each side of the wall or fence. Fill or berms shall not be permitted for the purpose of achieving a higher fence than otherwise would be permitted.

When an obscuring wall or fence is required, the wall or fence height shall meet the requirements in Table 7.1.

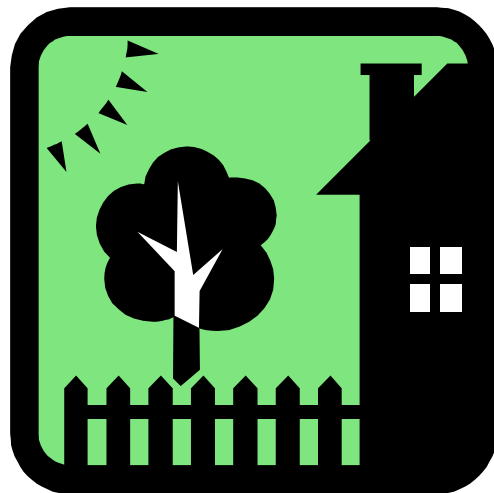


Table 7.1: REQUIRED OBSCURING WALL OR FENCE HEIGHT

Location, Use or Zone	Maximum Height from Grade*	Comments
Required front or side street yard	3.5 feet	
Off-Street Parking	6 feet	
Agricultural District	6 feet	8 foot maximum height for non-residential uses. Construction details required for fences taller than 6 feet (see Section 7.01.A).
Residential District	6 feet	
Business, Office, Downtown, or Circle District	6 feet	Construction details required for fences taller than 6 feet (see Section 7.01.A).
Industrial or LCMR district	8 feet	Construction details required for fences taller than 6 feet (see Section 7.01.A).
Community District	8 feet	Construction details required for fences taller than 6 feet (see Section 7.01.A).
Utility Buildings, Substations	8 feet	Construction details required for fences taller than 6 feet (see Section 7.01.A).
Schools and Parks	6 feet	8 foot maximum height for chain link Construction details required for fences taller than 6 feet (see Section 7.01.A)
Lot lines adjacent to an expressway	12 feet	Construction details required for fences taller than 6 feet (see Section 7.01.A)
* When a fence and berm are built in combination, the height of the fence and berm shall not exceed six (6) feet from grade.		

F. Substitution or Waiver

1. As a substitute for a required obscuring wall or fence, the use of existing or proposed living or man-made landscape features (such as closely spaced evergreens) that would produce substantially the same results in terms of screening, durability, and permanence may be approved. Any such substitute screening shall comply with the applicable requirements in Section 6.02.
2. When determined necessary and appropriate by the City Council in the course of reviewing and approving a site plan, fences or walls exceeding requirements listed in Table 7.1 may be approved when such fences or walls are used as screening devices on property in non-residential districts from property in residential districts.

G. Non-Required Fences in Districts

Fences, other than required obscuring walls and fences, shall be permitted in the Office Service, Business, Community and LCMR districts, subject to the following conditions:

1. Non-required fences are permitted in the side and rear yards only.
2. The height of a fence shall be measured from the surrounding grade at every point along the fence line. All fences in non-residential districts shall not exceed the height specified in Table 7.1.

Section 7.03

WALLS AND FENCES IN RESIDENTIAL DISTRICTS

Fences in Residential Districts may be located in the required front, side or rear yard subject to the following requirements:

A. Height

All fences shall not exceed six (6) feet in height above grade except for the following:

1. Fences located in required front or side street yards shall not exceed three and one-half (3 ½) feet in height above grade.
2. Fences along a lot line adjacent to an expressway may be twelve (12) feet in height. Construction details for any wall or fence taller than six (6) feet shall be submitted to the Building Department for evaluation with the permit application.

B. Fence Design

Fences and walls in the required front setback may be obscuring in design, if they do not exceed three and one half (3 ½) feet in height.

C. Walls in Residential Districts

Walls shall be permitted in residential districts, subject to the following requirements:

1. General Standards

The maximum wall height shall not exceed six (6) feet, measured from ground level adjacent to the wall. Fill or berms shall not be permitted for the purpose of achieving a higher wall than otherwise would be permitted. When a wall and a berm are built in combination, the total height shall not exceed six (6) feet in height above grade.

2. Walls in Front and Side Street Yards

Walls in front and side street yards shall not exceed three and one-half (3 ½) feet in height above grade.

D. Entranceway Structures

1. Entrance to Residential Developments

Residential development entranceway structures, such as walls or columns which mark the entrance to a single family subdivision, condominium, or multiple family development, shall be permitted in the required setback area, provided that:

- a. Entranceway structures shall not exceed eight (8) feet in height and sixty-four (64) square feet in size.
- b. Entranceway structures shall not be located in the street right-of-way or private street easement.
- c. Approval of the Building Official and issuance of a building permit shall be required prior to construction.
- d. Such structures shall not restrict emergency vehicle access.

2. Entrances to Individual Residential Parcels

Residential entranceway structures, such as walls, columns or gates shall be permitted to mark the entrance to individual single family residential parcels.

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Last revision: 2-23-06