

FRUITPORT VILLAGE

SECTION 3.11 FENCES

Permit Not Required

A. General Requirements:

1. All fences erected by individual property owners must be located on his/her property. Fences may be on the property line, however, the Zoning Administrator may require a survey if a property line is in dispute.
2. No electrically charged fences are permitted.
3. Fence height shall be measured from the existing natural grade.
4. No person shall place, string or maintain barbed wire as part of any fence, other work or structure in any zoning district.
5. No fence or wall shall be erected which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department.
6. It is unlawful to construct any private fence or barrier within a public right-of-way.
7. Fences are not permitted within twenty- five (25) feet of the ordinary highwater mark.
8. All fences shall be maintained in a manner to prevent rust, corrosion and deterioration so as not to become a public or private nuisance, blighting influence or danger to adjoining property owners and the public.

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9. It shall be unlawful to erect a fence of objectionable appearance, consisting of or constructed of highway construction material, guard rails, guard rail posts, tension fencing, tires, vehicle or motor vehicle component parts, tree stumps, rotting lumber or any material capable of providing habitat or harborage for pests or vermin.
10. Fences constructed of wood or other material having one (1) side designed and considered the decorative side shall be erected with that side facing the adjoining street or abutting property owner's premises.

Residential Districts

1. Fencing which is essentially open (e.g., wrought iron, chain link, split rail, or picket fence) may be up to forty-eight (48) inches in height in the front yard.
2. Stockade fence and masonry walls shall be limited to three (3) feet in height in the front yard.
3. Fences may be up to six (6) feet in height behind the front building line.

Business and Industrial Districts

1. A wall, fence or yard enclosure may be up to eight (8) feet in height behind the required front setback line.

All Parks, Recreational and essential service fences greater than six (6) feet are subject to Special Use.

that if the entire premises of the residence is enclosed, then this provision may be waived by the building inspector upon inspection and approval of the residence enclosure.

- (4) The swimming pool shall not be closer than ten feet to any side or rear lot line and no part of any pool shall be constructed within a required front yard or required side yard.
(Ord. No. 578, § 4.2(26), eff. 5-2-1983)

Sec. 42-576. Transition zoning.

The following transitional uses are permitted on transition lots in R districts:

- (1) The first such lot, or lots in single ownership, or the first 150 feet thereof, whichever is the lesser, may be utilized in accordance with R zone requirements.
- (2) The first 150 feet thereof may be utilized for off-street parking.
- (3) Any single principal structure located or built completely upon the first 150 feet thereof may be used for offices, funeral homes, or a business permitted in the R districts provided:
 - a. Yards must meet the district requirements in which such lot is located.
 - b. The building shall conform to the residential character of the neighborhood.
 - c. Sign requirements of the R districts shall be complied with except that sign area limitations may be increased 100 percent.

(Ord. No. 578, § 4.2(29), eff. 5-2-1983)

Sec. 42-577. Walls and fences.

A wall, fence or yard enclosure not over six feet high, or higher if a retaining wall, may be erected within the limits of any yard or outer court except a required front yard where the height shall not exceed three feet, unless an open type fence that does not reduce visibility at right angles to any surface of such fence by more than 20 percent. Fences may be constructed to a maximum height of eight feet in an industrial zone, provided that they are of the open type which does not reduce visibility at right angles to any surface of such fence by more than 20 percent. Provided, however, no fence for the enclosure of animals shall be constructed or maintained in the R-6 residential district in front or side yards adjacent to a residential structure.

(Ord. No. 578, § 4.2(31), eff. 5-2-1983; Ord. No. 705, eff. 5-13-2000)

Sec. 42-578. Yards.

Every lot must provide a front yard, a rear yard and side yards as required by its zone district. All front yards must face upon a dedicated public street and shall be at least 66 feet in width at the street right-of-way line, except in an approved subdivision, and where superseded by specific requirements applicable in the zoning district where the lot is situated.
(Ord. No. 578, § 4.2(32), eff. 5-2-1983; Ord. No. 666, § 1, eff. 7-24-1995)