

**STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF WALLED LAKE**

ORDINANCE NO. 360-21

**AN ORDINANCE TO AMEND CHAPTER 51, “ZONING”, OF
TITLE V, “ZONING AND PLANNING”, THE CITY OF WALLED
LAKE ZONING ORDINANCE, TO AMEND ARTICLE 21.00
“GENERAL PROVISIONS”, SECTION 51-21.13 “FENCE, WALL
AND PRIVACY SCREEN REGULATIONS” BY AMENDING
RESIDENTIAL FENCE HEIGHT AND LOCATION
REQUIREMENTS AS PROVIDED BY THIS ORDINANCE**

The City of Walled Lake Ordains:

Section 1. Purpose

The purpose of this Zoning Ordinance Amendment is to amend residential fence height and location restrictions as provided by this ordinance.

Section 2. Amendment to Article 21.00, Section 51-21.13

The City of Walled Lake Zoning Ordinance is hereby amended at Article 21.00, “General provisions”, Section 51-21.13 “Fence, Wall and Privacy Screen Regulations” by amending subsection (1) in its entirety to read as follows:

(1) *Height, location, clearance.* Fences and walls shall comply with the height, location, and clearance requirements specified in the attached table. Decorative fences are permitted to extend to the water's edge. Other than Decorative Fences not exceeding thirty-six inches (36”) in height, no other type of fence is permitted in a waterfront yard or on a waterfront lot.

The City of Walled Lake Zoning Ordinance is hereby further amended at Article 21.00, “General provisions”, Section 51-21.13 “Fence, Wall and Privacy Screen Regulations” subsection (2) “General Requirements” by adding a new sub-paragraph 1. “Decorative Fences” to read as follows:

1. *Decorative Fences.* A decorative fence is intended to create a delineation along the perimeter of an area while not obstructing the view into the area. It is not intended to provide a secure barrier preventing access into or out of the area. The following design standards shall apply to decorative fences:

i) Split Rail Fence: Split rail fences shall be comprised of vertical posts and no more than three (3) horizontal rails, all constructed of the same material.

ii) Picket Fences: Picket fences shall not have vertical pickets greater than two (2) inches in width and shall have a gap between each vertical picket of not less than eight (8) inches.

iii) Materials: Decorative fences may be constructed of wood, metal or composite material. Endposts may also be composed of masonry materials such as brick or stone. Vinyl and wire are prohibited.

iv) Additional Barriers: No wire, mesh or other additional barrier material shall be adhered to a decorative fence.

v) Prohibited Fences: Any fence which significantly impairs the view into an area shall not meet the standards of a decorative fence. Such fences include, but are not limited to, stockade fences, chain link fences and picket fences where the pickets do not meet the spacing requirement defined above.

Section 3. Amendment to Article 21.00, Section 51-21.13(a)

Article 21.00, “General provisions”, Section 51-21.13(a) “Fence and Wall Requirements” of the City of Walled Lake Zoning Ordinance is hereby amended in its entirety to read as follows:

Section 51-21.13(a) – FENCE AND WALL REQUIREMENTS

<i>Zoning District</i>	FENCES		DECORATIVE FENCES		WALLS	
	Maximum Height	Permitted Location	Maximum Height	Permitted Location	Maximum Height ⁴	Permitted Location
Single Family	6.0 ft	No closer to front than any portion of the main building. ^{1, 10}	36 in. ³	Any Yard ^{2, 5}	Not Permitted	Not Permitted
Multiple Family	6.0 ft. ⁶	No closer to front than any portion of the main building. ^{1, 10}	36 in. ³	Any Yard ⁵	6 ft. ⁷	To the rear of the principal structure ⁸
Commercial, Office	8.0 ft. ⁹	Side or rear yard. ^{1 • 10}	Not Permitted	Not Permitted	8 ft. ^{7, 9}	Side or rear yard

Industrial	8.0 ft. ⁹	Side or rear yard. ^{1 • 1 0}	Not Permitted	Not Permitted	8 ft. ^{7, 9}	Side or rear yard 1
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Footnotes:

1. May be located in the required side or rear yard, but on corner lots, fences and walls shall be set back at least ten (10) feet from the road right-of-way.
2. Decorative fences may be established on waterfront lots that do not have an established principal structure or use.
3. Decorative fences in the single-family or multiple-family districts may include decorative fence posts which do not exceed forty-two (42) inches in height.
4. Walls shall be reduced to a maximum of three (3) feet above grade within twenty-five (25) feet of any street right-of-way.
5. Decorative fences may be located in the required side, rear or waterfront yard, but they shall be setback at least one (1) foot from the road right-of-way.
6. Fences which enclose public playgrounds or institutional playgrounds shall not exceed seven (7) feet above grade and shall not obstruct vision to an extent greater than twenty-five percent (25%) of the total fence area.
7. See wall requirements in Section 51-21.14 and 51-21.16.
8. Walls on corner lots shall be set back at least ten (10) feet from the road right-of-way.
9. Where needed to screen outside storage, fences and walls may be up to eight (8) feet in height.
10. Fences may be permitted in the front yard or side yard facing a street to enclose public utility yards and public playgrounds.

Section 4. Severability

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this ordinance; but the remainder of this ordinance shall stand and be in full force and effect.

Section 5. Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 6. Repealer.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 7. Effective Date.

The provisions of this ordinance are hereby ordered to take effect following publication as provided by the Michigan Zoning Enabling Act, as amended, *MCL 125.3101, et seq* and in the manner prescribed by the Zoning Ordinance and Charter of the City of Walled Lake. This ordinance is hereby declared to have been adopted by the Walled Lake City Council on January 18, 2022 and ordered to be given publication in the manner prescribed by the City Charter of the City of Walled Lake.

AYES: (7) Loch, Lublin, Owsinek, Woods, Ambrose, Fernandes, Ackley
NAYS: (0)
ABSENTS: (0)
ABSTENTIONS: (0)

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

LINDA ACKLEY, Mayor
CITY OF WALLED LAKE

JENNIFER STUART, City Clerk
CITY OF WALLED LAKE

Introduced: October 19, 2021
Adopted: January 18, 2022
Effective: February 17, 2022