

AN ORDINANCE AMENDING SECTION 090 OF TITLE 15, CHAPTER 44 (FENCES) OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.

THE CITY OF LIVONIA ORDAINS:

Section 1. Section 090 of Chapter 44 of Title 15 of the Livonia Code of Ordinances, as amended, is hereby amended to read as follows:

15.44.090 Residential district regulations. The construction, height and location of fences and privacy screens on lots in residential districts shall be in accordance with the provisions of this section.

A. A partition fence shall be permitted as long as there is only one (1) such fence separating individual properties, subject to the following regulations:

1. Fences which enclose property or are within the required side or rear yard shall not be sight-obscuring or exceed four (4) feet in height, measured from the surface of the ground, except for privacy fences as provided for elsewhere in this section.

2. No fence shall be erected in a front yard or extend toward the front of the lot nearer than the front building line of the house, or the minimum required front yard, or whichever results in the greater setback, unless permitted elsewhere in this ordinance.

3. Fences at the rear of double frontage lots shall have a setback from the rear lot line abutting the street, equal to the minimum required front yard of the property being fenced.

4. Fences on corner lots shall not be located within the corner side yard unless all of the following conditions are met:

- a. The proposed fence will not, in the opinion of the police department, block any portion of the view which drivers on either of the intersecting streets would have of traffic on the other street, or any driveway, if the fence had been built at the corner side yard line;
- b. That portion of the proposed fence in the corner side yard which parallels the street

- i. aligns with any corresponding fence on an adjacent property; and
 - ii. does not exceed six (6) feet in height measured from the surface of the ground;
- c. Installation of the proposed fence would not require the removal of existing trees; and
- d. The Director of Inspection, or his designee, determines that the design of the proposed fence, including its type, height, color, and materials, fully conform to any adjoining fences, to neighborhood standards generally, and to all applicable provisions of this chapter.

5. No fence shall be constructed in the side yard of a residential lot which has an adjacent or abutting driveway, without the written consent of the owner of the abutting driveway.

B. Privacy fences shall not be allowed within or abutting property in any residential district unless written consent is obtained by the person erecting the fence from the adjoining property owner(s). All privacy fences shall be erected on the lot line, subject to the same location restrictions as partition fences, except that no privacy fence shall extend toward the front of the lot nearer than the back of the house of the person erecting the fence, except that the fence may extend as far as the midpoint between the back building line and the front building line if necessary to enclose a side door. The panels of the privacy fence must be two (2) inches off the ground and shall not exceed six (6) feet, four (4) inches in height, measured from the surface of the ground to the highest point of the fence or the supporting structure. A privacy fence must be the only fence separating individual properties.

C. Privacy screens are permitted in the rear yard only, shall not be located nearer than ten (10) feet to the rear property line, shall not extend beyond the side building line of the residence, must be a minimum of two (2) inches off the ground and shall not exceed six (6) feet, six (6) inches in height, measured from the surface of the ground to the highest point of the screening material or the supporting structure.

D. All supporting posts, cross-members and protruding bolts, screws and/or hardware of all fences and privacy screens shall be inside the lot and face toward the interior of the lot of the person erecting the fence or privacy screen, except that the supporting posts of a privacy fence may be centered with the panels of the fence (i.e., board on board or good both sides).

E. Dog runs shall be permitted in the rear yard only, shall not be closer than ten (10) feet from a side or rear lot line, shall not exceed six (6) feet in height, and shall be subject to the area limitations for accessory buildings provided for in Section 18.24 of the Zoning Ordinance, as amended, and in no event shall exceed a maximum ground area of two hundred (200) square feet. This requirement shall not apply to legally established and licensed dog kennels.

F. No fence, hedge, or landscape material shall materially obstruct the vision of motorists crossing any public sidewalk or entering any street or other public way open to vehicular traffic from any adjacent driveway.

G. Hedges, shrubs, bushes or other plants may be used as border planting along a side lot line in front of the established building line provided they do not exceed thirty (30) inches in height and shall not be planted closer than eighteen (18) inches from any side lot line.

H. Landscape treatments, not to exceed thirty (30) inches in height, shall be permitted within a front yard or within a side or rear yard abutting a street, provided that they do not exceed forty (40) feet in total length, twenty (20) feet in one continuous direction, and are erected at least two (2) feet from the sidewalk. No fence or landscape treatment shall be located nearer than two (2) feet from a side lot line which is adjacent to a driveway on an abutting property. Cyclone or chain link fencing shall not be considered landscape treatment for the purpose of this section of the ordinance.

Section 2. All 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 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

Section 4. This ordinance is hereby declared to be an emergency ordinance necessary for the protection of the public health, safety and welfare and shall take effect immediately upon publication.

The above ordinance was passed at the regular meeting of the Council of the City of Livonia held Monday, September 17, 2018, at 7:00 p.m.

Susan M. Nash, City Clerk

The foregoing ordinance was authenticated by me on this 18th day of September, 2018.

Dennis K. Wright, Mayor

Approved as to form:

Paul A. Bernier, City Attorney
Dated: September 17, 2018