

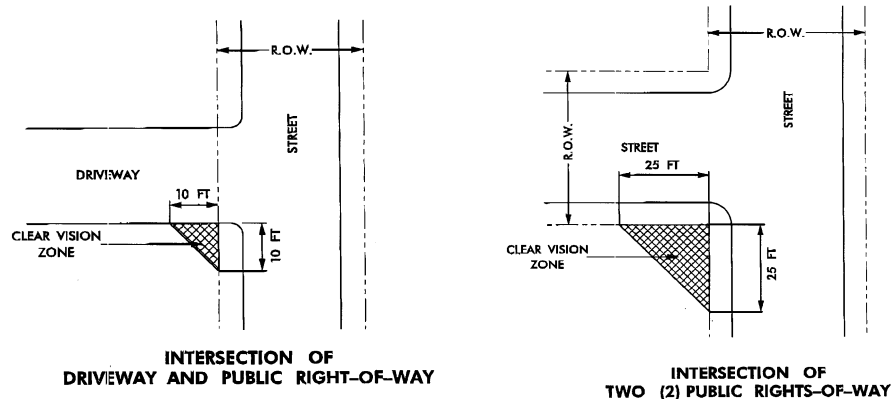
Fences.

1. Residential Fences. Residential fences are permitted or required, subject to the following:
 - a. Fences on all lots of record in all residential districts, which enclose property and/or are within a side or rear yard, shall not exceed six (6) feet in height. This height shall be measured from the average established grade to the highest point of the fence. No fence, wall, or hedge shall rise over four (4) feet in height in front of the house or in the required minimum front yard, whichever is greater; the measuring technique employed shall be the same as stated above. In addition, no fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 3.04, or interfere with visibility from a driveway. The Zoning Administrator is hereby empowered to cause all such obstructions to be removed in the interest of public safety.

Section 3.04 Corner Clearance and Visibility.

No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25') feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. In the case of driveway/street intersection, the aforementioned technique shall also be used, however a ten (10') foot dimension shall be utilized situated along the driveway and property line. Decorative fencing which would be approved on a corner could include open weave, split rail or similar fencing. Refer to illustration 3-1.

Illustration 3-1 Corner Clearance and Visibility



- b. No obscuring fence or wall shall be located within the front yard. Decorative fencing which does not materially impede vision shall be permitted in a front yard provided it does not exceed a height of four (4) feet. Non-obscuring decorative fencing does not include chain-link fencing.
- c. Fences shall consist of at least one side that is of "finished" quality. The term "finished" refers to the covering of raw material so as to protect it from the natural elements; this includes but is not limited to the painting of metal, and the painting or staining of wood. A finished side of the fence shall be exposed to all adjacent properties. The finished side shall generally be the side without post exposure or with the least post exposure. The Building Inspector shall determine the "finished" side.
- d. Fences not used for farm operations shall not contain barbed wire, electric current, or charge of electricity. All fences shall be constructed of treated wood, plastic, aluminum, or galvanized metal

or similar materials as approved by the Building Inspector and/or Zoning Administrator. Temporary fencing, such as chicken wire or plastic snow fencing, shall be prohibited as permanent fencing material.

- e. All fences shall comply with the requirements of the all applicable building and zoning codes.

2. Nonresidential Fences

- a. Fences located in other than residential districts or on the boundary between such districts shall not exceed eight (8) feet in height, measured from the surface of the ground.
- b. Fences, which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
- c. No fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 3.04, or interfere with visibility from a driveway. The Zoning Administrator is hereby empowered to cause all such obstructions to be removed in the interest of public safety.
- d. Fences located within twenty-five (25) feet of an intersection shall not exceed thirty (30) inches in height.
- e. Fences shall not contain barbed wire, electric current, or charge of electricity. In the case where the security of industrial and commercial property is concerned, the Planning Commission may approve a fence eight (8) feet in height with barbed wire attached to the top of such fence as part of the site plan review process.
- f. All fences shall comply with the requirements of the Building Code.

Fence, Decorative: An open or semi-open fence, ornamental in nature, intended to provide a permanent barrier to passage but not intended to provide a visual barrier or a completely obscuring screen. Decorative fencing may be constructed of wooden, wrought iron, anodized aluminum or similar materials; includes picket, balustrade and similar styles; does not include woven wire fencing; but may include Class 2B thermally fused, vinyl-coated chain link fence or its equivalent, only in an unobstructed yard space. **(As Amended March 7, 2016)**

Boatable Waterway: For purposes of this ordinance, a boatable waterway shall mean any water body that is wide enough and deep enough to float pleasure craft or boats of any size. **(As Amended January 5, 2015)**

Unobstructed Yard Space: For purposes of this ordinance, unobstructed yard space shall mean a required or non-required yard space abutting a boatable waterway that is void of all buildings, structures, shrubs, hedges, and similar improvements and landscaping above a height of 3 feet. Trees pruned up to a minimum height of eight (8) feet above grade do not violate the Unobstructed Yard Space. **(As Amended March 7, 2016)**

Section 3.29. Unobstructed Yard Space.

- 1. All properties abutting a boatable waterway shall maintain an unobstructed yard space beginning at the seawall, bulkhead or normal high water mark of the shoreline for the full depth of the minimum rear yard setback required in the zoning district. The Building Inspector may permit decorative fences not to exceed a height of four (4) feet, subject to the following:
 - a. The fence or similar structure is no more than twenty-five percent (25%) opaque or obscuring. The fence is a wooden, wrought iron, anodized aluminum or similar decorative

fence, or a Class 2B thermally fused and bonded, vinyl coated chain link fence, or its equivalent.

2. Nothing in this section shall prevent the Zoning Board of Appeals from granting a side setback variance for an otherwise lawful accessory structure.
3. Nothing in this section shall prevent the averaging of the established rear setback line, in compliance with Section 3.11 Supplementary Setback Provisions. (***As Amended March 7, 2016***)

Interpretation of Section 3.08 – paragraph 1b (Fences)

December 18, 2008 – The Clay Township Zoning Board of Appeals interprets Clay Township Zoning Ordinance #126 Section 3.08 (1b) to mean chain link fencing is prohibited in the front yard.

Interpretation of Section 3.08 – paragraph 1b (Fences)

December 19, 2013 – The Clay Township Zoning Board of Appeals interprets Clay Township Zoning Ordinance #126, Section 3.08 (1b) to mean for lots which have an accessory building in front (roadside) of the main building, no obscuring fence or wall shall be located in the space between the public right of way and the nearest point of the accessory building.