

ORDINANCE NO. 16-1557

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CITY OF DEARBORN BY AMENDING SECTION
2.19 OF ARTICLE 2.00, ENTITLED
“GENERAL PROVISIONS”**

THE CITY OF DEARBORN ORDAINS TO:

Add Section 2.19 of Article 2.00 of the Zoning Ordinance of the City of Dearborn to include the following:

ARTICLE 2.00

GENERAL PROVISIONS

Sec. 2.19. – Fences

A. General requirements.

1. Fence materials. Fences shall consist of materials commonly used in conventional fence construction, such as wood, metal, vinyl or vinyl-clad wood. Razor wire shall not be permitted. The installation and construction of fences shall comply with the requirements of the City Ordinance, Section 5-121. Fences which carry electric current are prohibited. ~~Barbed wire may be permitted in industrial districts, provided that the barbed wire is at least eight (8) feet above the ground, and provided further that the barbed wire shall be installed on supports that extend toward the interior of the site.~~

Fence posts shall be sunk into the ground at least three (3) feet, and all steel, metal, or vinyl posts shall be encased in concrete.

2. Finished appearance. If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.
3. Obstruction to use of adjoining property. No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the building official may require a fence to be set back a minimum distance from a driveway or property line.
4. Fence maintenance. Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated. If a fence is found to be in need of repair by the

building official, he may issue orders to complete such repairs. Failure to comply with written notice from the building official shall be deemed a violation of this ordinance.

5. Location—General requirements. Any fence shall be located entirely on the private property of the person constructing it. However, adjoining property owners may jointly apply for a fence permit, in which case the building official may permit it to be constructed on their common property line.
6. Corner clearance. Fences located on corners shall be designed to provide unobstructed sight distance for drivers in accordance with Section 2.09.

B. Review and approval procedures.

1. Application for Zoning Compliance Certificate. If a fence is proposed in conjunction with a development that requires site plan review, then the fence shall be shown on the site plan, which shall be reviewed in accordance with normal site plan review procedures. In all other cases, an application for a Zoning Compliance Certificate to construct a fence shall be filed with the building official. The application shall be accompanied by a survey by a licensed surveyor, along with drawings or other information required by the building and safety department which illustrate the dimensions and design of the proposed fence. The survey shall delineate the lot lines, which shall be permanently staked on the property.
2. Review by the Building Official. The building official shall review the fence application and supporting data with respect to the standards set forth in this ordinance, the adopted Building Code, and administrative rules which may be established to provide for proper administration of this Section. The building official may grant a permit to construct a proposed fence upon finding that it complies fully with all applicable regulations.
3. Appeal of a decision. An applicant may appeal a decision of the building official or plan commission concerning a proposed fence to the building board of appeals. The building board of appeals shall review the appeal in accordance with the standards set forth in Section 32.05.

C. Fence regulations in residential districts.

1. Location and height.
 - (a) Fences in residential districts shall not exceed five (5) feet in height.
 - (b) No fence shall be permitted to extend into a front yard. No fence shall be located beyond the rear yard or project into the side yard no farther than to enclose the side grade door in a side yard.
 - (c) Fences shall be permitted along the side street lot line on corner lots between the established building line and the front lot line. Such fences shall taper from four (4) feet in height at the building line, to two (2) feet at the front lot line; alternately, such fences may have a uniform height of two (2) feet.

- (d) Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one (1) foot to the edge of the sidewalk.
 - (e) Only one (1) fence may be constructed along any common or adjoining property line.
2. Fences enclosing public areas. Fences which enclose public parks, playgrounds, or similar public areas located within a residential district shall not exceed eight (8) feet in height, measured from the surface of the ground.
 3. Privacy screens. Fences or privacy screens may be placed on the interior of the lot in the rear yard, subject to the following:
 - (a) A minimum clearance of six (6) feet shall be provided between the proposed privacy screen and any other fence, structure, or property line.
 - (b) Privacy screens shall not exceed five (5) feet in height.
 - (c) Privacy screens shall be designed to screen a selected use or area (such as a swimming pool or patio) and not the entire property line.
 - (d) Privacy screens shall be constructed of the materials cited previously in this section, and may also include masonry materials, subject to review and approval by the building official.
 - (e) Privacy screens shall be freestanding and self-supporting.
 - (f) Only one (1) privacy screen may be constructed along any common or adjoining property line.
 4. Privacy fences. Privacy fences shall be board-on-board construction.
- D. Fence regulations in nonresidential districts.
1. Location.
 - (a) Fences shall be permitted in the rear or side yards of nonresidential districts, provided that no fence shall extend toward the front of the lot than any portion of the principal structure.
 - (b) Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one foot to the edge of the sidewalk.
 - (c) Fences on corner lots shall comply with the corner clearance requirements in Section 2.09.
 2. Height. Fences in commercial districts shall not exceed six (6) feet in height. Fences in industrial districts shall not exceed eight (8) feet in height. ~~except that barbed wire shall be at least eight (8) feet above ground, as specified in subsection (a).~~
- E. Walls. This Section shall in no way alter or affect the requirements for walls set forth in Article 6.00.

F. Barbed Wire.

- 1. Permitted Zoning Districts:** Barbed wire may be used at the top of fences for security purposes around storage areas located in industrial zoning districts.
 - (a)** Barbed wire in Industrial A zoning districts located within two hundred (200) feet of a residential zoning district is prohibited.
- 2. Location Requirements:** Barbed wire shall not be permitted on fences along frontages on streets defined as arterial or collector roads.
- 3. Design Regulations:**
 - (a)** No strand of barbed wire shall be permitted less than (8) eight feet above ground.
 - (b)** The barbed wire strands shall be installed on supports that slant inward toward the interior of the site.