

**VILLAGE OF GROSSE POINTE SHORES,
A MICHIGAN CITY**

ORDINANCE NO. 253

AMENDMENTS TO FENCES AND WALLS ORDINANCE

An ordinance to amend and restate Chapter 12 of the City Code of Ordinances, entitled "Fences, Walls and Hedges," so as to remove the majority of the regulation of hedges, bushes, etc.; and to repeal inconsistent ordinances.

VILLAGE OF GROSSE POINTE SHORES, A MICHIGAN CITY, ORDAINS:

I. Chapter 12 of the Code of Ordinances of Village of Grosse Pointe Shores, A Michigan City, is amended and restated to provide as follows:

Article I: Fences and Walls

Sec. 12-1. Definitions.

When used in this chapter, *fence* and *wall* mean any structure, or extension of any building, primarily constructed for design, privacy or decorative purposes and not intended to be a part of the occupied portion of the structure. Retaining walls, to the extent actually used as a retaining barrier for earth at normal grade line, shall not be deemed to be a fence or wall for the purpose of this chapter. The terms "fence" and "wall" are one and the same and used interchangeably for the purpose of this chapter.

Sec. 12-2. Compliance required.

It shall be unlawful for the owner or occupant of premises in the City to erect, place or install any fence or wall or to maintain the same in violation of the provisions of this chapter.

Sec. 12-3. Permit and fee.

Before any fence or wall shall be erected, placed or installed on any property, other than property of the City, a written permit therefor shall be obtained from the building official upon application in writing. This application shall set forth a description of the fence or wall proposed to be erected, placed or installed and the location thereof, together with such additional information as shall be required to evidence compliance with the provisions of this chapter. Upon the issuance of a permit for the erection, placement, installation, or replacement of a fence or wall, a permit fee, the amount of which will be set by the council, shall be paid to the City.

Sec. 12-4. Construction requirements.

Fences and walls:

- (a) Shall be constructed of open lattice work of wood, masonry, or woven wire or metal.
- (b) May be constructed in the rear portion of any parcel of property from the front main building line to the rear lot line.
- (c) Shall be no greater in height than four feet, measured from the normal grade line at the base of the fence or wall for fences or walls that extend to the ground, or from the bottom of the any fence or wall that is elevated no more than three inches above the ground to allow for drainage or ease of maintenance. Post or decorative caps no greater than six inches in height may be added to the height of the fence or wall.
- (d) Shall be constructed in such a uniform manner that either horizontal or vertical openings, or both, shall constitute at least 30 percent of the length or height of such fence.

Fences or walls constructed along the rear lot line may be erected to a greater height than four feet but not to exceed six feet in height, providing the property owners adjacent to any such proposed fence shall approve, in writing, such excess in height along the rear lot line, and which approval shall be evidenced in writing and shall accompany the application for permission to erect such fence.

Sec. 12-5. Location in certain areas.

Except as provided in this section, fences or walls shall not be constructed in front of the front building line, nor along or near the side property lines in front of the front building line.

Decorative walls. Decorative walls as adjuncts to landscaping designs or as definitive elements for driveway location may be permitted to be constructed in front of the front building line, providing the wall does not exceed 32 inches in height, including any cap. Such walls on lots on the east side of Lake Shore Road may be constructed to a maximum height of six feet, including any cap. Such walls on lots fronting on the west side of Lake Shore Road may be constructed to a maximum height of four feet, including any cap. Decorative lighting or other architectural features may be placed on top of the decorative wall at the entrance location providing such lighting or decorative features do not exceed an additional two feet in height. Plans for such decorative walls shall be submitted to the city for approval as part of a comprehensive landscape design. These plans shall have been prepared by a landscape designer.

Sec. 12-6. Corner lots; permission of neighbors required.

In the case of a corner lot, where the side yard abuts on a street, fences may be constructed from the front main building line to the rear lot line along and adjacent to the public thoroughfare, providing that the prior permission of the adjoining property owners to the rear and the property

owners on the opposite side of the thoroughfare is secured. A fence built within ten feet of the right-of-way of any such thoroughfare shall be considered adjacent thereto.

Sec. 12-7. Obstruction of view; dangerous devices.

(a) No fences or walls shall be erected, maintained or permitted near any street intersection or curve, nor at the entrance to any public or private driveway, so as to obstruct the view of vehicle operators and pedestrians approaching such intersection, curve or entrance.

(b) No barbed wire, and no exposed spikes, broken glass, or other dangerous devices or materials shall be used on, in connection with, or as a part of any fence or wall.

Sec. 12-8. Appeals; fee.

(a) Appeals may be taken from any action of the building official denying a permit for a fence or wall. Appeals shall first be presented to the planning commission, which will review the request and make a recommendation to the council. Appeals must be in writing and must be filed within ten days after the decision appealed from is mailed or otherwise communicated to the appellant.

(b) On receipt of the recommendation of the planning commission, the council, sitting as a board of appeals, may reverse, modify or affirm the action of the building official. The council may in its discretion reduce or modify the requirements of this chapter where it determines that such action will not impair the general effect and intent of this chapter in individual cases involving any situation of unusual difficulty or hardship, or in the interest of public safety and the general welfare.

(c) The appeal fee, the amount of which shall be set by the council, is payable at the time of application for permit.

Article II. Shrubs, Hedges and Plantings.

Sec. 12-21. Obstruction of view.

No shrubs, hedges or plantings shall be planted, maintained or permitted near any street intersection or curve, nor at the entrance to any public or private driveway, so as to obstruct the view of vehicle operators and pedestrians approaching such intersection, curve or entrance.

Sec. 12-22. No encroachment on right-of-way.

Shrubs, hedges or plantings planted along any lot line shall not encroach on the City right-of-way.

Sec. 12-23. Shrubs or hedges in front yards.

Shrubs, hedges or plantings planted or placed along or near the property line of any premises for the purpose of, or which have the effect of, enclosing, in whole or in part, such premises shall not be constructed in front of the front building line, nor along or near the side property lines in front of the front building line, provided, however, that shrubs or hedges that otherwise comply with the requirements for "decorative walls" established in section 12-5 of this ordinance, and whose height is maintained within the limits provided by section 12-5, may be planted and maintained in accordance with section 12-5.

II. Miscellaneous Provisions

- A. Severability. If a word, clause, sentence, paragraph or part of this ordinance shall be found invalid or unconstitutional by any court of competent jurisdiction, it shall not affect the remainder of this ordinance and such remainder shall remain in full force and effect.
- B. Inconsistent Ordinances Repealed. All ordinances or parts of ordinances in conflict, or inconsistent with this ordinance are hereby repealed.
- C. Effective Date; Publication. This ordinance shall take effect immediately upon publication of this ordinance, or a synopsis thereof, in a newspaper circulated in Village of Grosse Pointe Shores, A Michigan City, which publication shall be within 16 days after passage.

Passed: November 16, 2010



Brian P. Vick, City Clerk


James M. Cooper, Mayor