

City of Otsego Zoning Ordinance – Section 16 General Building and Performance Requirements

20-16-6: **FENCES:** Fences shall be permitted in all yards subject to the following:

A. Permit Required: It is unlawful for any person hereafter to construct or cause to be constructed or erected within the platted areas of the City, any fence without first making an application for and securing a fence permit.

B. Certificate of Survey: An application for fence permit shall be accompanied by a current certificate of survey providing exact lot dimensions, the location of existing building and structures on the lot, and the location of the proposed fence.

C. Location: All boundary line fences shall be located entirely within the private property of the person, firm or corporation constructing or causing the construction of such fence.

D. Construction and Maintenance:

1. Every fence shall be constructed in a professional and substantial manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. The materials and design shall also be compatible with other structures in the area in which the fence is located and shall not cause blight or a negative impact.

2. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is or has become dangerous to the public safety, health or welfare is a public nuisance, and the City shall commence proper proceedings for the abatement thereof.

3. All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced.

E. Access: All fences shall be provided with a gate which affords reasonable and convenient access for public safety.

F. Except as specified in this subsection, barbed wire fences and electric fences shall only be allowed in the A-1 and A-2 Districts when related to farming, and hobby farms. On farms in other districts, such fencing shall

be allowed when related to farming, but not including electric fences as boundary line fences when abutting platted property.

G. All fences shall not obstruct natural drainage.

H. Easements - Public and Private:

1. Utility and Drainage Easement: Fences may be constructed within public and private utility and drainage easements provided that:

a. The fence and its design is subject to the approval of the City Engineer.

b. Removal of the fence or a portion thereof for the purpose of utilizing the easement shall be at the property owner's expense.

2. Maintenance: The City may require a property owner to secure an easement from an abutting property owner for the necessary maintenance of a proposed fence if such structure is located within two (2) feet of the property line.

I. Grade Modifications: Any modifications to the grade or drainage of a property in conjunction with the construction of a fence shall be subject to Section 20-16-9 of this Chapter.

J. Residential District Fences: All residential district fences shall be placed within the property being fenced.

1. Except in the case of a side yard on a corner lot which abuts a street, fences along side property lines shall not be more than six (6) feet in height for the distance commencing from a point on such side property line located along the rear lot line and proceeding thence along such side property line to a point thereon which would be intersected by the front wall line of the existing principal structure on the lot.

2. Fences along or paralleling any rear property line which is also the rear property line of an abutting lot shall not exceed six (6) feet in height.

3. Except in the case of a side yard on a corner lot which abuts a street, fences along a rear property line which line constitutes the side lot line of an abutting lot shall not exceed six (6) feet in height.

4. The required screening provisions for residential districts shall supersede, where applicable, the provisions of this Subsection.

41, 42

5. Required Front Yards and Side Yards of Corner Lots:

a. Fences extending across required front yards or a required side yard that abuts a street on a corner lot shall not exceed forty-eight (48) inches in height and shall be at least seventy-five (75) percent open space for the passage of air and light, except as provided for by Section 20-16-6.J.5.b of this Chapter.

b. A fence with a height greater than forty-eight (48) inches and/or less than seventy-five (75) percent open space may be constructed within the required rear yards and side yard of a corner lot abutting collector or arterial street by administrative permit, provided that:

(1) The fence does not exceed six (6) feet in height.

(2) The fence is setback ten (10) feet from the lot line abutting a collector or arterial street right-of-way.

(3) For interior lots, a gate or other opening is to be provided in the fence to allow for maintenance of the street side boulevard.

(4) The fence along a side lot line abutting a collector or arterial street right-of-way shall not extend into a required front yard and be no closer to the front lot line than a point intersecting the front line of the principal building.

(5) On lots where no bufferyard has been established pursuant to Section 20-16-7.D of this Chapter, the yard on the street side of the fence shall be grass and landscaped with plant materials that will grow to the height of the fence, subject to the following standards:

(a) Plant material centers shall not be located closer than three (3) feet from the fence line or property line, and shall not conflict with public plantings, sidewalks, trails, etc.

(b) Deciduous shrubs shall not be planted more than four (4) feet on center, and/or evergreen shrubs shall not be planted more than three (3) feet on center.

(c) Deciduous trees shall be planted not more than forty (40) feet apart. Evergreen trees shall be planted not more than fifteen (15) feet apart.

c. All fences located within any required yard abutting a public right-of-way shall maintain the traffic visibility requirements of Section 20-16-8 of this Chapter.

K. Commercial and Industrial District Fences: All commercial and industrial fences shall be placed within the property being fenced.

1. Fences extending across a required front yard or a required side yard which abuts a street on a corner lot shall be at least seventy-five (75) percent open for the passage of air and light and shall maintain the traffic visibility requirements of Section 20-16-8 of this Chapter.

2. Business and industrial fences may be erected up to eight (8) feet in height. Fences in excess of eight (8) feet shall require a conditional use permit.

3. Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven (7) feet above the ground.

4. The screening provisions for commercial and industrial districts shall supersede, where applicable, the provisions of this Subsection.

L. Special Purpose Fences: Fences for special purposes and fences differing in construction, height or length may be permitted by the City by issuance of a conditional use permit as regulated by Section 4 of this Chapter. Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which such fence is intended. The City may stipulate the height, location, construction and type of special fence thereby allowed.