

ANN ARBOR CHARTER TOWNSHIP BOARD OF TRUSTEES

AMENDMENTS TO ZONING CODE CHAPTER 74, SECTIONS 74-2 “DEFINITIONS AND INTERPRETATION,” 74-600 “FENCE REGULATIONS,” 74-595 “SETBACKS ON ARTERIAL ROADS,” AND 74-426 “REQUIREMENTS, SCOPE, USES, EXCEPTIONS.”
ORDINANCE No. 6-2024

June 17, 2024

The Ann Arbor Charter Township Board of Trustees ordains and adopts the following amendments to Chapter 74, Sections 74-2 “Definitions and interpretation,” 74-600 “Fence regulations,” 74-595 “Setbacks on arterial roads,” 74-426 “Requirements, scope, uses, exceptions” of the Township Code of Ordinances [new language underlined, deleted language ~~stricken~~]:

CHAPTER 74, Section 74-2 “Definitions and interpretation” is amended to add the following new definitions:

Sec. 74-2. – Definitions and interpretation.

Fence. A marker, barrier, or enclosure intended to screen a land use, or restrict access to or egress from a lot or parcel of land, constructed of wood, metal, stone, or other natural or artificial materials. The term fence shall include gates. A wall, other than a retaining wall, will be considered a fence if it accomplishes the purpose(s) of a fence.

Fence, interior. A fence located outside of a required front, side, or rear yard, as defined by this ordinance. Examples include a fence intended only to provide limited screening of a specific element within the property, or enclose a small portion of the property for a specific purpose, such as a garden or dog run.

Fence, perimeter. A fence located inside a required front, side, or rear yard, as defined by this ordinance. An example includes a fence that is intended to provide full or partial enclosure of a property along or near the property line.

Knox box[®]. A secure, tamperproof device with a lock operable only by a fire department, police department, or emergency services department master key, and containing entry keys, cards, passcodes, and/or operating instructions for access through the driveway gate in an emergency.

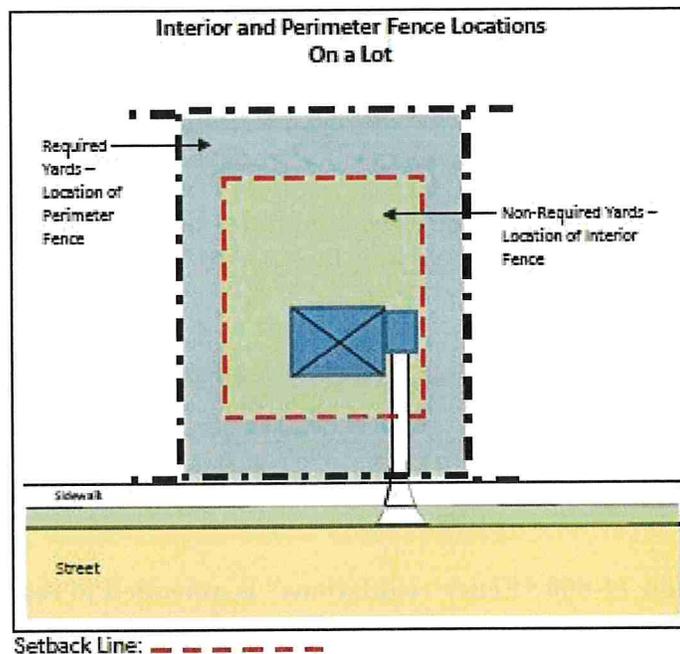
CHAPTER 74, Section 74-600 “Fence regulations” is amended to read as follows:

Sec. 74-600. Fence regulations.

- (a) *General requirement.* It shall be unlawful for any person, firm, or corporation to construct or cause to be constructed any fence on any property in the Township except in accordance

with these regulations. Reference specific land uses or development requirements in this chapter for additional requirements.

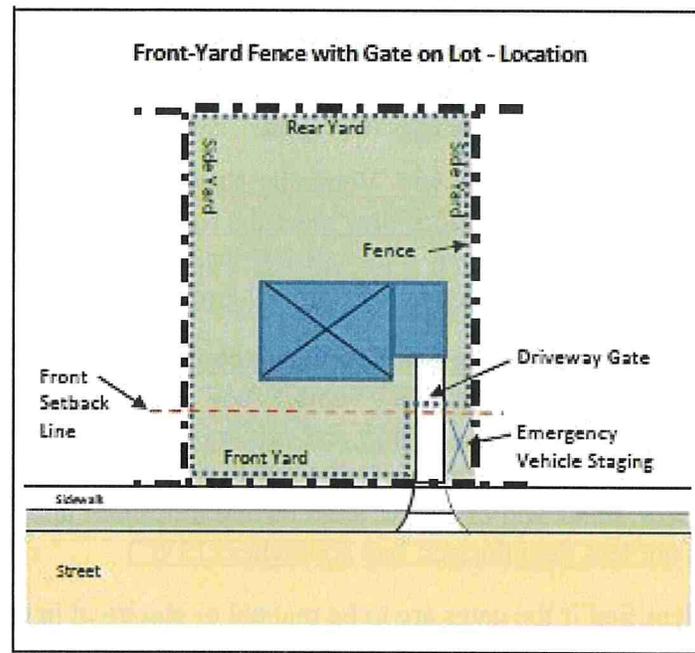
- (b) *Permit requirements.* Any person, firm, or corporation desiring to construct or cause to be constructed a perimeter fence or an interior fence 8-feet tall or taller that is subject to these regulations shall first obtain a fence permit from the Zoning Officer. The application for a fence permit shall contain all information, including drawings, that is necessary to determine compliance with these regulations. A permit shall not be required for a fence that is to be constructed for the purpose of enclosing farmland.
- (c) *Fee.* The fee for a fence permit shall be established, and may be amended, by resolution of the Township Board. The fee shall be paid to the Township Treasurer at the time of application for the permit.
- (d) *Location of fences; location of gates across a driveway.*
 - (1) All fences shall be located entirely on the property of the owner of the fence, and outside of any public or private road right-of-way. Owners of adjoining property may jointly apply for a fence permit for the purpose of constructing a perimeter fence on the common property line. In any event, the owner of the fence shall be responsible for maintaining the fence, as outlined in Sec. 74-600(1).
 - (2) Perimeter fences may be located in any required yard, and internal fences may be located in any non-required yard, unless provisions in this section to accommodate emergency vehicles specify otherwise. The graphic below shows the location of a required yard (gray shading), and the location of a non-required yard (green shading).



- (23) No fence or fence post, and no gate or gate post, or other structure that serves as a fence or gate, shall conflict with the turning radii of any emergency vehicle apparatus.

(34) For all fences located in a required front yard that abuts a public or private street, and that contain a gate across a driveway:

- a. The gate shall be located no closer to the street than the front setback line to accommodate parking of vehicles on the driveway outside of the gate.
- b. A front-yard fence containing a gate across a driveway shall be located parallel to the driveway on only one side of the driveway; the fence on the other side of the driveway shall be located no closer to the street than the front setback line to provide a staging area on the lot for emergency vehicles, as illustrated below. The section of fence parallel to the driveway may be on either side of the driveway as long as a staging area acceptable to the Ann Arbor Township Fire Chief, pursuant to the International Fire Code (IFC) and the National Fire Protection Association (NFPA), is provided. The staging area shall be free from impediments, such as vegetation, slopes, structures, posts, and other impediments that make it unsuitable as a staging area.



(e) *Height regulations.*

(1) All fences located on residentially-used lots in any zoning district shall comply with the following regulations:

- a. Perimeter fences located in a required front yard or in any other required yard (i.e., the yard between the property line and setback line) that abuts a public or private street shall not exceed four feet in height.
- b. Perimeter fences located in a required side or rear yard (i.e., the yard between the property line and setback line) that does not abut a public or private street shall not exceed a height of six feet.

- (2) Perimeter fences on a lot in a business district and located in any required yard, shall not exceed six feet in height.
 - (3) Perimeter fences on a lot in an industrial district and located in any required yard shall not exceed a height of 12 feet.
 - (4) All fences enclosing farmland shall be exempt from the regulations of this subsection.
 - (5) Interior fences on a lot in any zoning district that are not located in any required yard (i.e., the yard between the property line and setback line) of that lot shall not exceed ~~the height limit for structures in the district in which located~~ ten feet in height.
 - (6) In determining the height of the perimeter fence that separates two adjoining lots and that is located within two feet of a common lot line, the maximum permitted height at any point shall be measured from the highest grade at that point within two feet on either side of the common lot line.
 - (7) The height regulations in this section may be modified or waived for a perimeter fence on a common property line by written agreement between the fee simple owners of the adjoining lots. The agreement shall specify the location and height of the perimeter fence. The agreement shall be signed by such owners and shall be filed with the Zoning Officer before a permit may be issued.
- (f) Vehicular gates across private driveways. Vehicular gates across private driveways accessing individual lots are permitted if they meet the requirements of Sec. 74-600, or other applicable sections within this chapter. If the site conditions cannot meet these requirements, then a vehicular gate across the driveway will not be permitted.
- (1) Combined entry and exit ways shall provide a minimum unobstructed width of twenty (20) feet to accommodate emergency vehicles and apparatus, in addition to the emergency vehicle staging area. Entry and exit ways separated by landscape medians, guard houses, or other obstructions shall provide a minimum unobstructed width of twelve (12) feet. Entry and exit ways shall have a minimum unobstructed vertical clearance of not less than thirteen feet six inches (13'6").
 - (2) It shall be identified if the gates are to be manual or electrical in operation.
 - (3) All vehicular gates (manual and electrical) shall be designed as follows:
 - a. Gates shall be a maximum 50% opaque to allow for clear vision through the gate and of vehicle travel ways beyond each side of the gate.
 - b. Gates shall swing in, or roll/slide to the side. Gates shall not be permitted to lift up, swing out toward the roadway, or move in any other way other than permitted here.
 - c. Gates shall be maintained in good condition and working order to be fully operational under any weather conditions. This includes clearing all vegetation, snow, or other conditions that may impede the operation of the gate.

- d. When fully opened, gates shall not obstruct the path of travel for vehicles or pedestrians, whether emergency or non-emergency.
 - e. If the gate is locked, it shall be provided with a Knox Box mounted near the gate.
 - f. Gates shall be designed to remain fully open during an emergency event with a gate-capturing device.
- (4) All electrical vehicular gates:
- a. Shall be provided with a failsafe open device in the event of power failures. The Fire Chief may remove this requirement if secondary power is provided by battery back-up or generator.
 - b. Shall be designed to remain fully open during an emergency event until reset. A "Hold Open" code or override feature must be included in the design and functioning of the gate to allow gates to remain open so that multiple fire apparatus can enter without having to wait for intermittent opening of the gate(s).
 - c. In business and industrial districts, the electrical gate shall interface with the building fire alarm system and also have an emergency vehicle siren controlled override to automatically open the gate for emergency access, in addition to a Knox Box described above.
- (5) If there are two (2) or more gates in a single lot, all gates shall operate in the same fashion.
- (6) Gate activation shall not be altered or placed out of service without prior notification to the Ann Arbor Township Fire Department, Ann Arbor Township Building Department, and Washtenaw County Sheriff Department.
- (fg) *Vision clearance.* All fences and gates shall comply with section 74-8, *Visibility at intersections*. A fence that is located at the intersection of a driveway and a public sidewalk, or a sidewalk along a private street, shall not obstruct vision between the driveway and sidewalk. In addition, gates shall meet the opacity requirement in section 74-600(f)(3)(a) above.
- (gh) *Safety regulations.*
- (1) On residentially-zoned or used lots, no spikes, nails, barbed wire or other pointed objects or sharp protrusions shall be placed on, attached to, or permitted to remain on any fence. On non-residentially-zoned or used lots, nNo spikes, nails, barbed wire, or other pointed objects or sharp protrusions shall be placed on, attached to, or permitted to remain on, any fence below a height of ten feet, except in the case of fences that enclose farmland, in which case barbed wire may be permitted at any height of the fence.
 - (2) Perimeter fences shall not contain any electric charge or current, except for electrically-operated gates across driveways and electric fences to enclose farmland. ~~Perimeter electric fences that enclose farmland, in which case electric fence wires~~

shall be permitted, provided such wires are attached to the inside face of the fence posts that they are clearly identified at intervals of not less than 100 feet with warning signs that read: “Warning: Electric Fence” along the portion of the fence that abuts a public right-of-way, or is within 200 feet of a residential structure on an abutting property. Internal fences on any property may contain an electric charge or current. All electric fences shall be of a type and make approved by Underwriters Laboratories. Underground electric pet containment fences are excluded from the regulations of this section.

(3) Gates spanning a driveway, and associated openers, must be installed pursuant to the International Fire Code (IFC) and be approved by the Township Fire Chief.

- (hi) *Retaining walls.* A retaining wall shall be regulated as a fence if the wall projects more than 18 inches above the ground being retained.
- (hj) *Temporary construction fences.* Temporary construction fences, and fences required for protection around excavations, shall comply with the State Construction Code. Such fences shall be removed promptly after one year from the date of the fence permit, unless a time extension is approved by the Zoning Board of Appeals Township Building Official.
- (ik) *Public utility fences.* Fences that enclose public utility installations shall not be located in any required yard, where the lot is located in a residential district. Such fences may be located in any required yard where the lot is located in any other zoning district. Such fences shall comply with all other regulations of this section.
- (kl) *Maintenance.* Fences shall be maintained by the owner of the fence so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or other condition that endangers life or property, is a nuisance. If an unsafe fence exists, the Zoning Officer shall serve written notice to the owner, agent, or person in control of the property on which the fence is located. The notice shall describe the unsafe condition, shall specify the repairs or changes required to make the fence safe, or shall require an unsafe fence or part thereof to be removed. The notice shall provide a time limit for such repairs, changes, or removal to be made.

If a fence is located within a recorded easement, and the fence is removed or damaged due to work in the easement, then it is the fence owner’s responsibility to replace or repair the fence.

- (lm) *Fences in special districts.* Fences located on a lot in a PUD, RRA, OP, or other special zoning district shall be exempt from the regulations of this section, but shall be regulated as provided in the approved petition for that lot.

CHAPTER 74, Section 74-595 “Setbacks on arterial roads” is amended to read as follows:

Sec. 74-595. - Setbacks on arterial roads.

- (a) No building or structure shall be located less than a distance equal to the sum of 60 feet and the required minimum front yard of the district in which located, from the existing right-of-way centerline of any of the following roads:

- (1) Whitmore Lake Road;
- (2) Nixon Road;
- (3) Plymouth Road;
- (4) Dixboro Road;
- (5) Geddes Road;
- (6) Joy Road;
- (7) Maple Road;
- (8) Clark Road;
- (9) Hogback Road;
- (10) Huron River Drive;
- (11) Earhart Road;
- (12) Warren Road, between Pontiac Trail and Whitmore Lake Road;
- (13) Pontiac Trail;

provided, however, notwithstanding the foregoing, for purposes of placement of signs and fences, the additional 60-foot distance shall not be included in the calculation of the required front yard.

(b) Reference to arterial roads in this chapter shall be deemed to include all of the roads listed in this section 74-595.

CHAPTER 74, Section 74-426 “Requirements, scope, uses, exceptions” is amended to modify subsection (g):

Sec. 74-426. - Requirements, scope, uses, exceptions.

(g) Exemptions from area, placement, and height regulations.

(1) The following structures may be located anywhere on any lot: open and unroofed terraces, patios, porches and steps; awnings; flag poles; hydrants; laundry drying equipment; trellises; recreation equipment; outdoor cooking equipment; sidewalks and private driveways; trees, plants, shrubs, and hedges; ~~solid fences, screens, or walls less than four feet in height; fences, screens, or walls having at least 50 percent of their surface area open when viewed from the perpendicular;~~ mailboxes; and light poles. Anything constructed, erected, placed, or planted or allowed to grow, shall conform to the provisions of section 74-8, *Visibility at intersections*.

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Township Board of Ann Arbor Charter Township, Washtenaw County, Michigan at a meeting of the Board duly called and held on June 17, 2024.

ANN ARBOR CHARTER TOWNSHIP

By: 
Diane O'Connell, Supervisor

By: 
Rena Basch, Clerk

Public Hearing: July 6, 2023

Planning Commission Recommendation: January 11, 2024

Approved by Board: June 17, 2024

Effective: July 12, 2024