

*Randy Thompson, Supervisor  
Michelle Moliney, Clerk  
Bret Padgett, Treasurer*

# *Charter Township of Comstock*

*Jerry Amos, Trustee  
Dave Camden, Trustee  
Terry McIver, Trustee  
Robert Pratt, Trustee*



## **FENCES**

*Updated October 2017*

- Property owners must call **Miss Dig (dial 811)** at least three working days before erecting a fence. This buried utility marking service is free.
- No fence exceeding thirty (30) inches in height may be erected on any **corner lot** which will obstruct the view of a driver of a vehicle approaching the intersection.
- Fence **height** in the residential areas is limited to 6 feet along the side and rear property lines and 4 feet in the required front setback area along streets and lakes/streams. Fences along side property lines of corner lots may be 6 feet tall provided they extend no closer to the street than the leading edge of the house. Fences may not be placed within the public street right-of-way.
- Fences may be erected along the side and rear property line; a survey is recommended but not required. The burden is on property owners to be aware of their property lines; the Township does not have that information.
- It is a good idea to talk with your neighbor about the fence to make sure there is no misunderstanding as to the location of a common property line.

## FENCE ORDINANCE – COMSTOCK TOWNSHIP

### Zoning Ordinance Section 4.06.1 *Fences, Walls and/or Other Barriers.*

a. Fences in other than the Agriculture/Residential District (AGR), which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:

- (1) No fence shall hereafter be erected on a lot in excess of six (6) feet above the grade of the surrounding land.
- (2) In the "R1-A", "R1-B", "R1-C", "RM", and "RSM" zoning classifications, no fence exceeding four (4) feet in height shall be permitted in the required building setback area of any side of the lot abutting a public or private street or a lake. Subject to the limitations of subsection 4.06.1.c, when located behind the leading edge of the house, a 6-foot tall fence shall be permitted along the side yard property line of the side street abutting a corner lot..(this section amended in 2017)
- (3) All fences hereafter shall be of an ornamental nature. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on the top or on the side of any fence, or electric current or charge in said fences are, except as otherwise provided in this section, prohibited. Notwithstanding anything in this Ordinance to the contrary, fences protecting municipal or public utility installations may exceed the heights provided for herein and barbed wire cradles may be placed on the top of said fences enclosing municipal or public utility installations or wherever deemed necessary in the interest of public safety.
- (4) Barbed wire cradles having no more than three (3) strands and having a height from top to bottom of the cradle of no more than one (1) foot may be placed on the top of fences serving permitted or special exception uses location in the "B-3", "LM", "LD", or "M" zoning districts. The barbed wire cradle shall not be considered as part of the fence for purposes of determining compliance with the maximum six (6) feet fence height limitation set forth above. Barbed wire may not be utilized on fence located in the front yard.
- (5) The Zoning Board of Appeals shall have authority to waive the fence limitations in subsection (1) and/or (4) above if the Zoning Board of Appeals determines in its sole reasonable discretion that, based on the nature of the site on which the fence is to be located, the nature of the properties and streets adjoining the subject property and/or the nature of the proposed fence, such a waiver will not have a material adverse impact upon persons or property in the surrounding area and will otherwise be consistent with the purpose of this section.

b. Fences in the Agriculture/Residential (AGR) District may be located on all property or road right of-way lines of a parcel of land providing such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who might come near them.

c. No fence, wall, structure or planting exceeding thirty (30) inches in height 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 shall be permitted where all branches are not less than eight (8) feet above the road level. The unobstructed corner area required hereunder shall mean a triangular area formed by the street property lines and a line connecting them at points thirty (30) feet from the intersection of street lines or in the case of a rounded property corner from the intersection of the street property lines extended.