

**ARTICLE XIX
GENERAL EXCEPTIONS**

Sec. 1900. Area, Height and Use Exceptions:

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

- A. Essential Services:** Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.
- B. Voting Place:** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- C. Height Limit:** The height limitations of this Ordinance shall not apply to chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided however, that the Planning and Zoning Commission may specify a height limit for any such structure when such structure requires authorization as a use permitted by special approval or use permitted in Section 1807 of this Ordinance.
- D. Lots Adjoining Alleys:** In calculating the area of a lot that adjoins a dedicated alley or land, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
- E. Yard Regulations:** When yard regulations cannot reasonably be complied with, as in the case of a planned multiple-family development, or where their application cannot be determined on lots existing and of record at the time this Ordinance became effective, and on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.
- F. Multiple Dwelling Side Yard:** For the purpose of side yard regulations, a two-(2) family, a terrace, a row house, or multiple dwelling shall be considered as one (1) building occupying one (1) lot.
- G. Projections into Required Open Spaces:**
 - 1. Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.
 - 2. Fences not exceeding six (6) feet in height may occupy a required side or rear yard or a non-required front yard. Fences not exceeding four (4) feet in height may occupy a required front yard (minimum front yard setback for the district where located), providing the fence is constructed of non-obscuring materials and does not obstruct clear vision for traffic purposes. Fences may be located in a publicly owned right-of-way only in commercial or industrial zones, after written permission is received from the entity having jurisdiction over the right-of-way and a copy of the same is submitted to the Zoning Administrator; and further providing that in no

case shall such fence be located closer than fifteen (15) feet from a vehicle travel lane. Fencing adjacent to a lake or stream is further governed by Subsection 3.

Where agricultural uses are adjacent to residential uses or residential zoning districts, fences with barbed wire or electrified fences may be allowed solely for the containment of livestock. For the safety and protection of neighboring residents or pets, electrified fences shall be setback from a secondary fence by a minimum of two (2) feet. The secondary fence may be constructed at the property line.

In the installation of any fence, the property owner is responsible for the location of property lines, and should obtain a professional survey if necessary to determine accurate property lines. Alpena Township shall not to be held responsible for any property line or fence disputes between adjacent property owners.

3. Where a lot borders a lake or stream, fencing shall be set back from the ordinary high water by twenty five (25) feet at minimum. Further, a fence placed in any part of the lot lying between the principal building and the ordinary high water mark shall not exceed four (4) feet in height, unless approved in Section 1807. In reviewing any Special Land Use application for a fence exceeding four (4) feet in height on the waterfront side of such lot, the Planning and Zoning Commission shall consider whether or not the proposed fence unreasonably restricts, or may in the future unreasonably restrict, the waterfront view of neighboring residents.
4. Architectural features such as, but not limited to: chimneys, window sills, cornices, and eaves may extend or project into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard; and may project or extend into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally demountable.
5. Unenclosed vehicle storage, or loading space may occupy parts of a side or rear yard and the area thus used shall not be computed in the total percentage of lot occupancy as long as it remains unenclosed.
6. Structures four (4) feet in height or less shall not be considered in computing maximum percent of lot coverage in residential districts.
7. Unenclosed paved areas, patios and other surfaced areas may occupy a required yard.