

Proposed Fence Ordinance

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Darlene,

Attached is the proposed fence ordinance the planning commission has been working on. The proposed ordinance would repeal and replace: (1) Article II, Section 202(71) and (2) Article IV, Section 412. The motion recommending adoption of the new provisions was subject to three minor revisions. First, in proposed section 412(1)(A) the phrase "blocks scenic views for nearby property owners" has been stricken. Second, in proposed section 412(2)(D) the phrase "obscures the scenic view of nearby property owners or" has been stricken. Finally, proposed section 412(1)(E) has been added concerning visibility and corner clearances. I will drop a hard copy of the proposed ordinance off at the township office on Thursday.

Dianne Hall



FenceOrdinance.docx
19.7kB

~~202(71) FENCE: An artificially constructed barrier of wood, metal, stone, or any manufactured materials erected for the separation of yard areas.~~

202(71)(a) FENCE: Any permanent partition, barrier, wall or gate constructed of wood, vinyl, metal, stone or other manufactured material, surrounding a plot of land or any portion thereof, or making a boundary separating areas of land, erected as a dividing marker, screen, barrier or enclosure.

202(71)(b) NONCONFORMING FENCE. Means any fence which was lawfully erected before the effective date of this amendment which no longer conforms to the requirements of this ordinance.

202(71)(c) PRIVACY FENCE. Means any fence constructed of a solid material such as wood, vinyl, metal, stone or other manufactured material that obscures view and prevents the passage of light and sight from without.

~~SECTION 412. FENCES.~~

~~All fence construction of a permanent nature shall require a Zoning Compliance Permit for the determination of whether the erection of such fence would be contrary to the provisions of this ordinance or the laws of the state of Michigan, except that replacement of an existing fence with a new fence which is in compliance with the requirements of this section shall not require a Zoning Compliance Permit. The following requirements shall be observed:~~

- ~~A. Fences located within the Bayview Plat shall not exceed six (6) feet in height in any part rear of the extreme front line of the dwelling and not more than forty eight (48) inches in height from the front of the dwelling to a point two (2) feet from the front lot line. The use of barbed wire is prohibited.~~
- ~~B. Fences shall be constructed with the smooth, or good, side facing outwards. (Towards the adjoining property).~~
- ~~C. Privacy screening should be accomplished by use of appropriately planted shrubs, bushes or trees.~~

SECTION 412 FENCES.

412(1) Permits and Compliance.

- A. It shall be unlawful for any person, corporation, organization or association to erect any fence upon any property within the Township without first having obtained a Zoning Compliance Permit from the Zoning Administrator. Application for said permit shall include a site plan, drawings and such other information as is necessary for the Zoning Administrator to determine whether the proposed fence would be contrary to the provisions of this ordinance or the laws of the State of Michigan. In determining whether a permit should be issued, consideration shall be given to whether a proposed fence enhances the neighborhood, is aesthetically pleasing, ~~blocks scenic views for nearby property owners~~ and/or negatively impacts visibility at intersections and corners.
- B. It shall be unlawful for any person, corporation, organization or association to erect any fence upon any property within the Township, except in accordance with the provisions, requirements and restrictions set forth herein.
- C. Nonconforming fences shall not be permitted to increase or change from the description given on the permit application at the time the permit was issued. Such fences, when repaired or replaced, shall be brought into compliance with all of the provisions of this ordinance.
- D. Fences erected without a permit shall be removed or brought into compliance with all of the provisions of this ordinance, at the property owner's expense, within thirty (30) days of written demand by the Zoning Administrator. Abandoned and/or un-maintained fences shall be removed, at the property owner's expense, within thirty (30) days of written demand by the Zoning Administrator. If any fence creates an unreasonable risk of harm to persons or property, the Zoning Administrator may require immediate abatement. In the event of non-compliance with the foregoing, the Township reserves the right to contract for the removal and cleanup of said unpermitted, abandoned and/or dangerous fence and may assess the costs to the property owner.

- E. No fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted:
 - (1) within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25' from their point of intersection,
 - or (2) within the triangular area formed by the intersection of any street right-of-way line and any public or private driveway at a distance along each line of 15' from their point of intersection.

412(2) Residential Districts and Town Development. (R, RR-1, RR-2, RR-5, LS/R, LS/R-2 and TD)

- A. Fences shall not contain barbed wire, razor wire, concertina or similar materials that are injurious to people or animals, and shall not be electrified.
- B. Fences must be located entirely on the private property of the person erecting the fence, leaving ample room for maintenance without having the applicant trespass on the neighboring property. Fences shall not be erected on or across easements, rights-of-way or clear vision corners.
- C. No fence or screen shall be placed closer than fifty (50) feet from the water's edge of Lake Independence, the federal ordinary high-water mark of Lake Superior, or within fifty (50) feet from any other lake, river, shore or stream.
- D. Despite anything contained herein to the contrary, when a lot borders a lake, river, shore or stream, fences and screens shall not exceed four (4) feet in height and shall be constructed of "see through" materials. Privacy fences are prohibited. The Zoning Administrator may deny the issuance of a permit if the proposed fence ~~obscures the scenic view of nearby property owners or~~ is aesthetically displeasing or otherwise incompatible with the character of the neighborhood.
- E. Fences shall not exceed six (6) feet in height, measured from the surface of the ground, on or upon any part of the property rear of the front façade of the dwelling.
- F. Fences up to forty-eight (48) inches in height may be erected forward of the front façade of the dwelling to within fifteen (15) feet of the right-of-way unless the fence is of chain link, split rail or other see through

material in which case the fence can be erected from the front façade of the dwelling to a point two (2) feet from the front property line.

- G. Fences shall be constructed so that posts and framework are on the interior or fence owner's side of the fence and the more presentable side faces outward.

412(3) Agricultural, Resource and Timber production (RS-10, AP-20, RP-10, RP-20, TP-40)

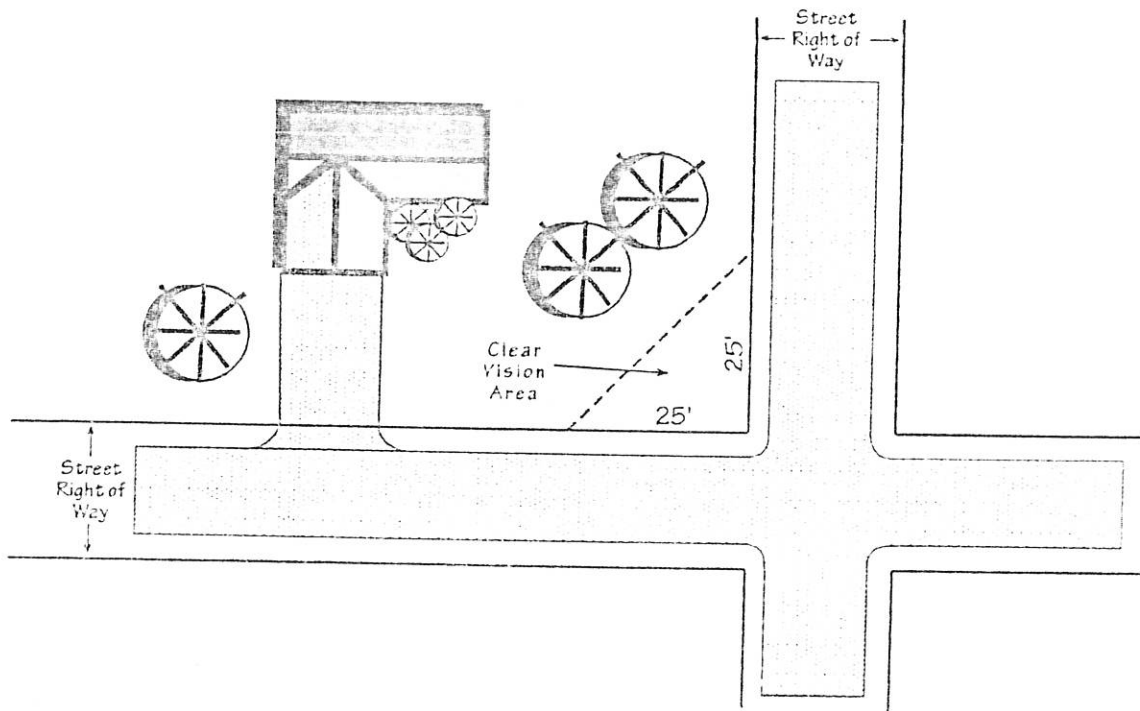
- A. Fencing may include barbed wire, electrified, woven, steel, wood or other natural or manufactured material. Fences in the above-referenced districts are not subject to the height restrictions set forth in Section 412(2).
- B. Fencing erected in the above-referenced districts are subject to the lake, river, stream and shoreline set-back provisions set forth in 412(2)(C)

412(4) Industrial Districts (I)

To be determined.

Section 412 Corner Clearance, Continued

Visibility at Intersections and Corner Clearance



Section 412 Corner Clearance

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted, (1) within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection, or (2) within the triangular area formed by the intersection of any street right-of-way line and any public or private driveway at a distance along each line of 15 feet from their point of intersection (see illustration below).