

# CHAPTER 4 General Provisions

of all excavation sites shall be sloped at a grade of not less than 2.5 feet horizontal to 1 foot vertical.

- b. Complete extent of areas which will be backfilled and depth of backfill shown with spot elevations.
  - c. Areas and depth of areas to be restored with top soil and other overburden.
  - d. Areas which will contain either standing or runoff water and measures which will be taken to avoid stagnation and erosion.
  - e. Phasing diagram(s) for reclamation.
  - f. A complete landscape plan indicating location and type of proposed and existing landscape features.
  - g. Description of the proposed final use of the site, with discussion of how the proposed use relates to the General Development Plan and zoning districts within the vicinity of the property.
  - h. Estimated timetable clearly expressing the maximum time required for various phases of the reclamation plan.
9. **Financial Guarantee** The Township may require the posting of a financial guarantee consistent with Section 21.09 of this Ordinance.
10. **Existing Mineral Resource Extraction Sites-** Mineral Resource Extraction sites which are actively mined or which have been actively mined within 180 days of enactment of this Section shall be limited to the lot on which the activity exists at the date of enactment of this Section. Further, all existing mineral resource extraction sites which are currently being mined shall be required to submit a reclamation plan consistent with the requirements of this Section within one hundred eighty (180) days following the adoption of this Section. (New Section added by Ordinance #19 of 1990)

## Section 4.29 Traffic Visibility Across Corners:

In any residential, business, or industrial district on any corner, no fence, structure or planting over thirty (30) inches in height shall be erected or planted within a twenty foot radius of the corner property lines so as to interfere with traffic visibility across the corner.

## Section 4.30 Walls and Fences:

This Section shall apply to all boundary fences, walls, hedges, gatehouses and entrance gates which are not specifically exempted herein. This Section shall not apply to seawalls as regulated by the Michigan Department of Natural Resources.

### 1. Construction

- a. All fences and walls shall be of sound construction.
- b. No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected in or abutting any residentially zoned district.
- c. Bona fide agricultural uses may use barbed wire or charged fences to control livestock when located in the ARC, Agricultural Rural Conservation zoning district.
- d. Fence posts and vertical supports must be inside of the fence and facing inside of the property on which the fence is located.

### 2. Location and Height

- a. Agricultural, Office and Residential Zoning Districts - Unless specifically exempted by a Type I special Use Permit, all walls or fences in the front yard shall be limited to a maximum height of four (4) feet at final grade. The maximum fence or wall height in the side yard or rear yard shall be limited to six (6) feet in height as measured from average grade.
- b. All Other Zoning Districts - Unless specifically exempted by a Type I special Use Permit, all walls or fences in these zoning districts shall be limited to a maximum heights of eight (8) feet. The use of barbed wire strands is permitted provided the strands be restricted to the uppermost portion of the fence and shall not extend lower than a height of six (6) feet from the average grade.
- c. Architectural Features - Fences, walls and hedges for residential, office or commercial use may include architectural features such as columns, cupolas, fountains, parapets, etc. at a height not exceeding 1.5 times the permitted height wall or fence height. Such features must be compatible with the project and abutting properties.



Definitions

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Development Review

Zoning Districts

Special Uses

Planned Unit Development

Height, Area, & Placement

Parking & Access

Landscaping

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3. **Location Requirements** - Except as specified below, fences, walls and hedges may be erected, placed and maintained along any property line provided:
  - a. It shall be unlawful to construct any wall or fence in any public right-of-way or within the right-of-way easement for private roads.
  - b. No wall, fence, structure or planting over thirty (30) inches in height shall be erected or planted within a twenty (20) foot radius of the corner property lines so as to interfere with traffic visibility across the corner.
4. **Additional Requirements for Commercial, Office and Industrial Areas** - All commercial, office and industrial uses shall provide a continuous visual screen of at least eight (8) feet in height along any lot line abutting a residential use. Such screen shall be installed by the non-residential user and shall be maintained in a sightly manner.
  - a. An entrance gate or gatehouse not approved as part of a Planned Unit Development (PUD) may be permitted by right for security purposes to any development provided the gate or gatehouse is:
    - 1) Not located on a public street or right-of-way; and
    - 2) Located a minimum of one hundred (100) feet back from any public right-of-way or easement; or
    - 3) Designed in such a manner that a minimum of three (3) vehicles can pull safely off the public street while waiting to enter; or
    - 4) The development provides a deceleration-turning lane adjacent to the existing pavement for a minimum distance of three hundred (300) feet leading into the access road, unless more stringent requirements are specified by the Kent County Road Commission.
  - b. Access for emergency vehicles shall be provided. Should an emergency necessitate the breaking of an entrance gate, the costs of repairing the gate and the emergency vehicle (if applicable) shall be the responsibility of the owner and/or operator of the gates.
5. **Conditions for Special Use Permit Approval**

Due to the unusual circumstances related to the property location or use of the fence, the height of a fence may be increased to a height of eight (8) feet as measured from final grade in all agricultural, office

and residential zoning districts and up to ten (10) feet, as measured from average grade in all other zoning districts. Upon review of a special use permit for additional fence height the Planning Commission shall consider the following:

- a. To what extent the impact of additional height has on adjoining property owners.
- b. Whether the additional height severely impacts light and ventilation from flowing onto the adjoining properties.
- c. Whether the increased height creates a traffic hazard.
- d. Whether the increased height creates a fire, safety hazard.
- e. Whether the increased height violates any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.). (New Section added by Ordinance #5 of 2012).

### Section 4.31 Residential Front Yard Averaging:

In any ARC, R1 or R2 zoning district where the average front yard setback of two (2) or more buildings within two hundred (200) feet of the lot or parcel in question and on the same side of the street is less than, or greater than, the minimum front yard setback prescribed for the specific zoning district, then the required front yard setback of such lot or parcel shall not be less than the average existing front yard setback or such buildings. In any event, the front yard setback on any lot or parcel shall not be less than ten (10) feet. (New Section added by Ordinance #14 of 1989).

### Section 4.32 Resubmission of Applications

No application for a rezoning, planned unit development, special use permit, site plan approval, variance or other zoning approval or project shall be submitted to the Township or be formally considered by a Township board or official (i.e. Township Board, Zoning Board of Appeals, Planning Commission or Planning Director) where such application or project has been previously denied or turned down by the Township unless the new application or project is substantially changed from the prior one. With regard to whether or not substantial changes have occurred since the prior application or project was denied, the Planning Director shall make the determination in the first instance. If the applicant disagrees with the Planning Director's determination, the applicant shall have thirty (30) days to appeal the Planning Director's determination

