

FRUITPORT CHARTER TOWNSHIP

ORDINANCE NO. 781

ZONING TEXT AMENDMENT ORDINANCE

THIS IS AN ORDINANCE TO AMEND THE ZONING CHAPTER OF THE CODE OF ORDINANCES FOR FRUITPORT CHARTER TOWNSHIP, MUSKEGON COUNTY, MICHIGAN, BY RESTATING SECTION 42-577 CONCERNING WALLS AND FENCES.

THE CHARTER TOWNSHIP OF FRUITPORT, COUNTY OF MUSKEGON, STATE OF MICHIGAN, ORDAINS:

Section 1. Walls and Fences. Section 42-577 of the Code of Ordinances, concerning walls and fences, is restated in its entirety as follows.

Sec. 42-577. Walls and fences.

A wall, fence or yard enclosure not over six feet high, or higher if a retaining wall, may be erected within the limits of any yard or outer court except a required front yard where the height shall not exceed three feet, unless an open type fence that does not reduce visibility at right angles to any surface of such fence by more than 20 percent. Fences may be constructed to a maximum height of eight feet in an industrial zone, provided that they are of the open type which does not reduce visibility at right angles to any surface of such fence by more than 20 percent. Provided, however, no fence for the enclosure of animals shall be constructed or maintained in the R-6 residential district in front or side yards adjacent to a residential structure.

The planning commission, when reviewing a site plan, may authorize a wall or fence which exceeds six feet, or eight feet as the case may be, if the planning commission determines the additional height is necessary after considering the following standards.

- (1) What will be the effect on adjoining properties?
- (2) Will the wall or fence affect the light and air circulation of any adjoining properties?
- (3) Will the wall or fence adversely affect the view from any adjoining property?
- (4) What is the reason for the request to allow the wall or fence to have greater height?

- (5) What is the size, type and kind of construction, proposed location, and general character of the wall or fence?
- (6) What is the size of other walls and fences in the surrounding neighborhood?

Section 2. Effective Date. This Ordinance was approved and adopted by the Township Board of Fruitport Charter Township, Muskegon County, on November 25, 2013, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended, and after introduction and a first reading on October 28, 2013, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on December 15, 2013, which is the eighth day after publication as is required by Section 401 of Act 110, as amended, provided that the effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended



Brian Werschem, Supervisor
Fruitport Charter Township



Carol Hulka, Clerk
Fruitport Charter Township

CERTIFICATE

I, Carol Hulka, the Clerk for the Charter Township of Fruitport, Muskegon County, Michigan, certify that the foregoing Fruitport Charter Township Ordinance was adopted at a regular meeting of the Township Board held on November 25, 2013. The following members of the Township Board were present at that meeting: Brian Werschem, Carol Hulka, Rose Dillon, Dave Markgraf, Marjorie Nash, and Chuck Whitlow. The following members of the Township Board were absent: Ron Becklin. The Ordinance was adopted by the Township Board with members of the Board Whitlow, Hulka, Dillon, Nash, Markgraf, and Werschem voting in favor, and members of the Board_no one voting in opposition. Notice of Adoption and Posting of the Ordinance was published in *The Muskegon Chronicle* on December 7, 2013.




Carol Hulka, Clerk
Fruitport Charter Township

AFFIDAVIT OF POSTING AFTER ADOPTION

STATE OF MICHIGAN)
) ss.
COUNTY OF MUSKEGON)

The undersigned, Carol Hulka, the Fruitport Charter Township Clerk, being first duly sworn, deposes and says that she posted an Ordinance for Fruitport Charter Township, which Ordinance is attached as Exhibit A, after its adoption at a meeting of the Fruitport Charter Township Board held on November 25, 2013, in the Township Clerk's office and on the Township's website at www.fruitporttownship-mi.gov on December 4, 2013.



Carol Hulka, Clerk
Fruitport Charter Township

Subscribed and sworn to before this
4 day of December, 2013.



Notary Public, Muskegon County, Michigan
Acting in Muskegon County, Michigan
My commission expires: 6-16-17