

CHARTER TOWNSHIP OF FLUSHING
GENESEE COUNTY, MICHIGAN
ORDINANCE NO. 2020-04

AN ORDINANCE TO REPEAL CHAPTER 6 OF THE CODE OF ORDINANCES; TO AMEND THE ZONING ORDINANCE TO REGULATE FENCES; TO REQUIRE A PERMIT FOR THE INSTALLATION OF A FENCE; TO LIMIT THE PLACEMENT AND MAXIMUM HEIGHT OF FENCES; TO SET FORTH CERTAIN EXEMPTIONS; AND, TO PROVIDE FOR CONSIDERATION OF A SPECIAL USE PERMIT BY THE PLANNING COMMISSION.

THE TOWNSHIP OF FLUSHING ORDAINS:

1. Chapter 6 of the Code of Ordinances, comprising Sections 6-1 – 6-10 is repealed as of the effective date of the amendment to the Charter Township of Flushing Zoning Ordinance stated herein.
2. The Zoning Ordinance for the Charter Township of Flushing is amended by adding the following sections:

Section 20-408

A fence is defined, as any partition, structure, gate or obstacle, erected as a dividing marker, barrier or enclosure.

A fence shall not include an enclosure constructed of chicken wire or similar material not exceeding 3 feet in height, installed in a side or backyard of a residential property for the purpose of enclosing vegetation or domestic animals.

(1) Permit required. No fence shall be erected or altered within the township without obtaining a permit from the township building inspector.

(2) Permit fee. A fee in an amount determined by the Township Board from time to time shall be paid for each permit issued pursuant to Section 20-408.

(3) Establishment of lot lines. The building inspector may require the owner of the property upon which a fence is located or is to be located, to establish lot lines upon such property through placement of permanent markers located by a licensed surveyor. Such lot line shall be established within fifteen (15) days after receiving notice.

(4) Prohibited in public right-of-way. No fence shall be erected or maintained within the limits of any public road right-of-way in the township.

(5) Height Restriction. Fences on a lot of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater. No fence other than an ornamental fence shall be located in the front yard.

(6) Vacant Lot. Any fence intended to be installed on a vacant lot shall require a special use permit in accordance with the procedure stated in Section 20-1800.

(7) Prohibited Fences. No fence shall contain barbed wire, razor wire, glass shards or other materials designed to cause injury, electric current or be designed to transmit an electric charge.

(8) Fences To Public Property. Fences which enclose property owned by a municipality, school or other public agency or which is customarily open to and used by the public, such as parks and playgrounds, situated within an area developed as a residential district, and which are adjacent or within 100 feet of intersecting to public roads, shall require a special use permit to assure the placement, height and construction of the fence will not impair the visibility of the intersection by operators of motor vehicles, bicycles or pedestrians.

(9) Agricultural Fences. Installation of a fence intended primarily for agricultural purposes to a property located in a residential district, shall require a special use permit. The Planning Commission shall have the authority under appropriate circumstances, to waive the height restrictions contained in Section 20-408 (5) and the prohibitions contained in 20-408 (7), to balance the reasonable agricultural needs of the property owner with public safety and concerns of the concerns adjoining property owners.

(10) Maintenance. Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of maintenance or type of construction or otherwise imperils life or property, shall be deemed a nuisance. The building inspector shall notify the owner of the property on which the fence is located of the existence of such nuisance and the nuisance shall be abated within 10 days of the date notice is provided to the property owner.

(11) Special Use Permits.

(a) Zoning Administrator Denial. Where the zoning administrator denies an application for a fence permit, the property owner may request the Planning Commission issue the permit. The request shall be made by written application submitted to the Township clerk within 30 days of the date of the zoning administrator denial. The application shall include a copy of the application to the zoning administrator and a copy of the zoning administrator's denial. The property owner and zoning administrator may submit additional information relevant to the grant or denial of the permit. In making its decision, the Planning Commission shall take into consideration any unique features of the property, the proposed fence, the stated concerns of any property owners within 300 feet of the proposed fence, as well as the opinions expressed by the public at large. The Planning Commission's decision shall be based on an objective consideration of the information presented, balancing the benefit to the property of the intended fence against the requirements of the ordinance and the legitimate concerns of the public.

(b) Vacant Land. A request to install a fence to vacant land shall be submitted by application for special use permit to the Planning Commission.

(c) Agricultural Fence. A request to install a fence for agricultural purposes in a residential district shall be submitted by application for special use permit to the Planning Commission.

PASSED AND APPROVED BY THE CHARTER TOWNSHIP OF FLUSHING BOARD ON THE
_____ DAY OF _____, 2020.

Frederick Thorsby, Supervisor

Attest:

Wendy Meinburg, Township Clerk

First reading:_____

Adopted:_____