

**West Traverse Township
Ordinance Number 03 of 2015**

An Ordinance to amend Articles IV, VI, and VII of the West Traverse Township Zoning Ordinance.

The Township of West Traverse Ordains:

Section 1. Amendment of Article IV, Section 402

Section 402 of the West Traverse Township Zoning Ordinance, is hereby amended to add Subsection 18 pertaining to fences and walls to read in its entirety as follow:

Section 402:18 Fences and Walls

In any residential zoning district (R-1, R-1-A, R-2) fences or freestanding walls may be permitted on any property. Any portion of a fence or freestanding wall which exceeds a height of six (6) feet in the side or rear yards, and/or a height of four (4) feet in the front yard shall have an openness factor of 75% for the portion of the fence above the stated height, unless otherwise specifically allowed by this Zoning Ordinance, or authorized during site plan approval by the Planning Commission for screening purposes. A fence, wall or wall defining an entrance shall be no closer than five (5) feet to the front property line or road right-of-way, and further provided such fence, wall, or wall defining an entrance shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. Fences may be located on the lot line in the side or rear yards. If only one side of the fence is finished, the finished side shall face the neighboring property.

Entrance gates or arches across driveways are excluded from the height limits of this section. The fence/gate shall be located such that in the open position the all portions of the gate are within the property, and do not encroach upon the road right of way.

Where a lot borders a lake or stream, fencing shall not be constructed on the waterfront side within the required sixty (60) foot waterfront setback, and any portion of a fence which exceeds a height of four (4) feet shall have an openness factor of 75% for the portion of the fence above four (4) feet. Such fences shall not unreasonably restrict views to the water from neighboring properties.

No zoning permit shall be required for a fence or wall constructed in compliance with the regulations of this section 402:18.

EXEMPTIONS: Where it can be demonstrated to the Planning Commission by the applicant that no good purpose would be served by a strict compliance with the provisions of this Section, the Planning Commission may waive or modify said standards on a case by case basis subject to Planning Commission review and notifications to adjoining property owners within three hundred (300) feet.

Section 2. Amendment of Article VI

Section 602 of the West Traverse Township Zoning Ordinance, is hereby amended to add the definitions for the following terms ‘fence’, ‘openness factor’ and ‘wall’ to be inserted in the appropriate alphabetical order.

Fence: A means, partition, structure or gate erected as a dividing structure or barrier and not part of a structure requiring a building permit.

Openness Factor: the percentage of a fence section area, between upright supports, through which light and air can directly pass.

Wall: An upright structure of masonry, wood, plaster or other building materials serving to enclose, divide or protect an area.

Section 3. Amendment of Article VII

Subsection 3 of Section 701:2 of the West Traverse Township Zoning Ordinance is hereby amended to add item f to read in its entirety as follows:

- f. No zoning permit shall be required for a fence or wall; however such structures shall comply with the provisions of Section 402:18 of this Zoning Ordinance.

Section 4. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

Section 5. Conflicts.

If any provision of the West Traverse Township Zoning Ordinance conflicts with this Zoning Ordinance Amendment, then the provisions of this Zoning Ordinance Amendment shall control.

Section 6. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Township of West Traverse

By: Robert Sandford, Supervisor
Adoption date: _____

By: Cindy Baiardi, Clerk
Effective date: _____