

CITY OF MARINE CITY

PLANNING COMMISSION MEETING

AGENDA

Regular Meeting: Monday, June 8, 2015; 7:00PM

**Marine City Fire Hall
200 South Parker Street, Marine City, Michigan**

- 1. CALL TO ORDER**
- 2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL:** Chairperson Rebecca Lepley; Commissioners Linda Gabler, Keith Jenken, Rudolof Menchaca, Rosalie Skwiers, and Thomas McKenzie; City Commissioner David Simpson; Building Official Brian Bayly; and, Acting City Manager Donald Tillery
- 4. APPROVE AGENDA**
- 5. APPROVE MINUTES**
 - A. Planning Commission Minutes ~ May 11, 2015
- 6. COMMUNICATIONS**
- 7. PUBLIC COMMENT** *Residents are welcome to address the Planning Commission. Please state name and address. Limit comments to five (5) minutes.*
- 8. UNFINISHED BUSINESS**
 - A. Non-Motorized Transportation Plan
 - B. Fence Ordinance ~ Review
 - Clay Township Fence Ordinance
 - St. Clair Fence Ordinance
 - C. Master Plan Review/Update
 - Options
- 9. NEW BUSINESS**
- 10. ADJOURNMENT**

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**City of Marine City
Planning Commission Meeting
May 11, 2015**

A regular meeting of the Marine City Planning Commission was held on Monday, May 11, 2015, in the Fire Hall, 200 South Parker Street, Marine City, Michigan, and was called to order by Chairperson Rebecca Lepley at 7:00 pm.

After observing a moment of silence, the Pledge of Allegiance was led by Chairperson Lepley.

Present: Chairperson Lepley; Commissioners Gabler, Menchaca; City Commissioner Simpson; Acting City Manager Tillery, and, City Clerk Baxter

Absent: Commissioners Jenken, McKenzie, Skwiers

Motion by Commissioner Menchaca, seconded by Commissioner Gabler, to excuse Commissioners Jenken, McKenzie and Skwiers from the meeting. All Ayes. Motion Carried.

Approve Agenda

Motion by City Commissioner Simpson, seconded by Commissioner Menchaca, to approve the Agenda, as presented. All Ayes. Motion Carried.

Approve Minutes

Motion City Commissioner Simpson, seconded by Commissioner Menchaca, to approve the April 13, 2015 Minutes of the Planning Commission, as presented. All Ayes. Motion Carried.

Communications

No Communications were presented.

Public Comment

No residents addressed the Board.

Unfinished Business

Non-Motorized Transportation Plan

Chairperson Lepley announced that City Commissioner Lovett has been working with the Safe Routes to School Program which is a national program to make it safe, convenient, and fun for children to bicycle and walk to school. The Marine City Middle School and Marine City High School were scheduled to have an observation dismissal day on June 1, 2015, coordinated by Safe Routes to School.

New Business

Fence Ordinance ~ Review

Clay Township's fence ordinance was once again reviewed with City Commissioner Simpson asking if the ordinance was something the Planning Commission should review and adopt, or if the Marine City fence ordinance was sufficient. Mr. Simpson said his opinion was that the city would benefit by retaining their own ordinance and creating more detail. He suggested taking what was best from the Clay Township ordinance and the St. Clair ordinance and applying it to the Marine City fence ordinance.

Chain linked fences were discussed and were decided not to be an obstruction. The term "waterfront" was suggested, and strongly supported, to implement into the current ordinance.

The Board decided that, due to the absence of three Board members, they would review the ordinances at home and bring suggestions back for discussion at their next meeting scheduled for June 8, 2015.

Commissioner Menchaca said the Marine City fence ordinance could be fine-tuned by the Planning Commission before sending it back to the City Commission for approval.

Master Plan

As the Master Plan is due for a 5-year review, Board Members discussed options of how they want to go about conducting the review. Acting City Manager Tillery to supply options at the June 8, 2015 meeting, as listed below:

- Use of a professional company.
- Use of the county planner.
- Completing review and update ourselves.

Adjournment

Motion by City Commissioner Simpson, seconded by Commissioner Menchaca, to adjourn at 7:44 pm. All Ayes. Motion Carried.

Respectfully submitted,

Kristen Baxter
City Clerk

[Print](#)

Marine City, MI Code of Ordinances

CHAPTER 156: FENCES

Section

General Provisions

- 156.01 Definition
- 156.02 Unlawful construction
- 156.03 Height and material restrictions
- 156.04 Restriction on sharp extrusions
- 156.05 Electrical charge prohibited
- 156.06 Maintenance of nuisances; abatement
- 156.07 Board of Appeals

Permit Provisions

- 156.20 Required
- 156.21 Application
- 156.22 Fee

GENERAL PROVISIONS**§ 156.01 DEFINITION.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FENCE. Any artificial permanent fence, partition, structure or gate erected as a dividing marker, barrier or enclosure.

(Prior Code, § 10-1) (Ord. passed 1-5-1967)

§ 156.02 UNLAWFUL CONSTRUCTION.

It shall be unlawful for any person to construct or cause to have constructed any fence upon any property within the city, except in accordance with the requirements and restrictions provided in this chapter.

(Prior Code, § 10-2) (Ord. passed 1-5-1967) Penalty, see § 10.99

§ 156.03 HEIGHT AND MATERIAL RESTRICTIONS.

(A) (1) Fences located in residential districts shall not:

- (a) Exceed 4 feet in height in the required front yard or setback.
- (b) Exceed 4 feet in height in any part forward from the extreme rear line of the dwelling on the lot if the fence is built on the property line or within 5 feet thereof,
- (c) Be of closed construction. Closed construction is defined as any construction which obstructs vision to a degree exceeding 50% of the surface area of the fencing.

(2) Fences located in the rear yard on the lot line or within 5 feet thereof may be built to a height of 6 feet without restriction on solid matter or closed construction.

(B) In other than residential districts, fences may be extended to 6 feet in height without restriction as to solid matter or closed construction, unless otherwise provided by the Marine City Zoning Ordinance.

(Prior Code, § 10-3) (Ord. passed 1-5-1967; Am. Ord. 83-8, passed 10-20-1983; Am. Ord. 84-10, passed 6-21-1984) Penalty, see § 10.99

§ 156.04 RESTRICTION ON SHARP EXTRUSIONS.

Except on the top of fences having a height of 10 feet or more, there shall not be attached, affixed or placed any spike, nail, barb, (including barb wire) or other pointed instrument, and all cleaved selvages and sharp points on wire fences shall be removed or bent to eliminate any sharp extrusions.

(Prior Code, § 10-4) (Ord. passed 1-5-1967) Penalty, see § 10.99

§ 156.05 ELECTRICAL CHARGE PROHIBITED.

No fence shall be constructed or maintained which is charged or connected with an electrical current.

(Prior Code, § 10-5) (Ord. passed 1-5-1967) Penalty, see § 10.99

§ 156.06 MAINTENANCE OF NUISANCES; ABATEMENT.

Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a

nuisance. If an unsafe condition exists in regard to a fence, the Building Inspector shall serve on the owner, agent or person in control of the property upon which the fence is located, a written notice describing the unsafe condition and specifying the required repairs or modifications to be made to render the fence safe or requiring the unsafe fence or any portion thereof to be removed, and shall provide a time limit for the repair, modification or removal.

(Prior Code, § 10-6) (Ord. passed 1-5-1967) Penalty, see § 10.99

§ 156.07 BOARD OF APPEALS.

Upon appeal in writing by any person directly or indirectly affected hereby, the Zoning Board of Appeals of the city may, after a hearing in accordance with the established procedure of the Board, in its sound discretion and in the interests of the public health, safety or welfare of the inhabitants of the community, reduce or remit the requirements of this chapter in individual cases.

(Prior Code, § 10-7) (Ord. passed 1-5-1967)

PERMIT PROVISIONS

§ 156.20 REQUIRED.

Any person desiring to build or cause to be built a fence upon property within the corporate limits of the city, shall first apply to the Building Inspector for a permit to do so.

(Prior Code, § 10-19) (Ord. passed 1-5-1967)

§ 156.21 APPLICATION.

Application for a permit under this chapter shall contain any and all information, including drawings, required and necessary for the determination of whether the erection of such fence would be contrary to the provisions of this chapter or the laws of the state.

(Prior Code, § 10-20) (Ord. passed 1-5-1967)

§ 156.22 FEE.

A fee in the amount established by resolution of the City Commission shall be paid for each permit under this chapter.

(Prior Code, § 10-21) (Ord. passed 1-5-1967)

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Section 3.08 Fences.

1. Residential Fences. Residential fences are permitted or required, subject to the following:
 - a. Fences on all lots of record in all residential districts, which enclose property and/or are within a side or rear yard, shall not exceed six (6) feet in height. This height shall be measured from the average established grade to the highest point of the fence. No fence, wall, or hedge shall rise over four (4) feet in height in front of the house or in the required minimum front yard, whichever is greater; the measuring technique employed shall be the same as stated above. In addition, no fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 3.04, or interfere with visibility from a driveway. The Zoning Administrator is hereby empowered to cause all such obstructions to be removed in the interest of public safety.
 - b. No obscuring fence or wall shall be located within the front yard. Decorative fencing which does not materially impede vision shall be permitted in a front yard provided it does not exceed a height of four (4) feet. Non-obscuring decorative fencing does not include chain-link fencing.
 - c. Fences shall consist of at least one side that is of "finished" quality. The term "finished" refers to the covering of raw material so as to protect it from the natural elements; this includes but is not limited to the painting of metal, and the painting or staining of wood. A finished side of the fence shall be exposed to all adjacent properties. The finished side shall generally be the side without post exposure or with the least post exposure. The Building Inspector shall determine the "finished" side.
 - d. Fences not used for farm operations shall not contain barbed wire, electric current, or charge of electricity. All fences shall be constructed of treated wood, plastic, aluminum, or galvanized metal or similar materials as approved by the Building Inspector and/or Zoning Administrator. Temporary fencing, such as chicken wire or plastic snow fencing, shall be prohibited as permanent fencing material.
 - e. All fences shall comply with the requirements of the all applicable building and zoning codes.
2. Nonresidential Fences
 - a. Fences located in other than residential districts or on the boundary between such districts shall not exceed eight (8) feet in height, measured from the surface of the ground.
 - b. Fences, which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
 - c. No fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by Section 3.04, or interfere with visibility from a driveway. The Zoning Administrator is hereby empowered to cause all such obstructions to be removed in the interest of public safety.
 - d. Fences located within twenty-five (25) feet of an intersection shall not exceed thirty (30) inches in height.
 - e. Fences shall not contain barbed wire, electric current, or charge of electricity. In the case where the security of industrial and commercial property is concerned, the Planning Commission may approve a fence eight (8) feet in height with barbed wire attached to the top of such fence as part of the site plan review process.
 - f. All fences shall comply with the requirements of the Building Code.

Section 3.09 Greenbelts.

1. **Intent.** Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Township. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses.

Screening is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of intensive nonresidential uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.

2. **Scope of Application.** Except as otherwise specified in the Ordinance, the requirements set forth in this section shall apply to all uses, lots, sites, and parcels requiring site plan review. No site plan shall be approved until said site plan shows landscaping consistent with the provisions of this Section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance bond has been posted.

In cases where the use of an existing building changes or an existing building is changed or otherwise altered or re-occupied, all of the standards set forth herein shall be met.

The requirements of this Section may be reduced, increased or otherwise altered at the discretion of the Planning Commission, based on the size and shape of the property and based on anticipated impacts on or of the proposed use, the surrounding uses or the anticipated surrounding uses based on the zoning for the surrounding sites.

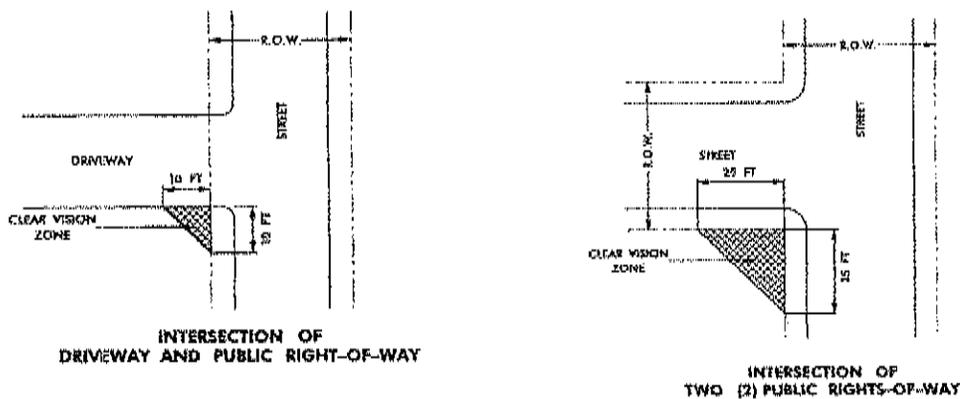
3. **Required on outer perimeter.** Greenbelts shall be required on the outer perimeter of all lots or parcels, extending to the lot or parcel boundary line as defined by Appendix A. Greenbelts shall not be located on any portion of an existing or dedicated public or private street or right-of-way.
4. **Illustrations.** The illustrations set forth in Appendix B to this chapter graphically show the specifications of each greenbelt. Any person wishing to develop upon a parcel of land, shall be required to provide a greenbelt conforming to those set forth in Appendix B between such parcel and any adjacent parcel as specified in Appendix A. If appropriate the Zoning Administrator, after negotiations with the developer, may reduce the greenbelt requirements for residential and commercial uses down one (1) alphabetical letter from that required in Appendix A.
5. **Installation responsibility.** All required greenbelts shall be the responsibility of the proposed higher intensity use and shall be installed prior to the issuance of any occupancy permit providing for such higher intensity use. When a use of lesser intensity is proposed adjacent to an existing higher intensity use that has not provided the required screening, the Planning Commission shall require the lesser intensity use to provide screening. The Commission shall determine the type and extent of screening.
6. **Greenbelt location.** Only one (1) greenbelt shall be required between uses. Where different uses are proposed, the greenbelt shall be located on the lot of the higher intense use. Where similar uses are proposed the required greenbelt shall be centered on the common lot line separating the similar uses. Where the higher intense use exists, a modified greenbelt will be required on the lot with the lower intense use. In the latter case, the modified greenbelt shall be approved by the planning director.

Section 3.04 Corner Clearance and Visibility.

No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees

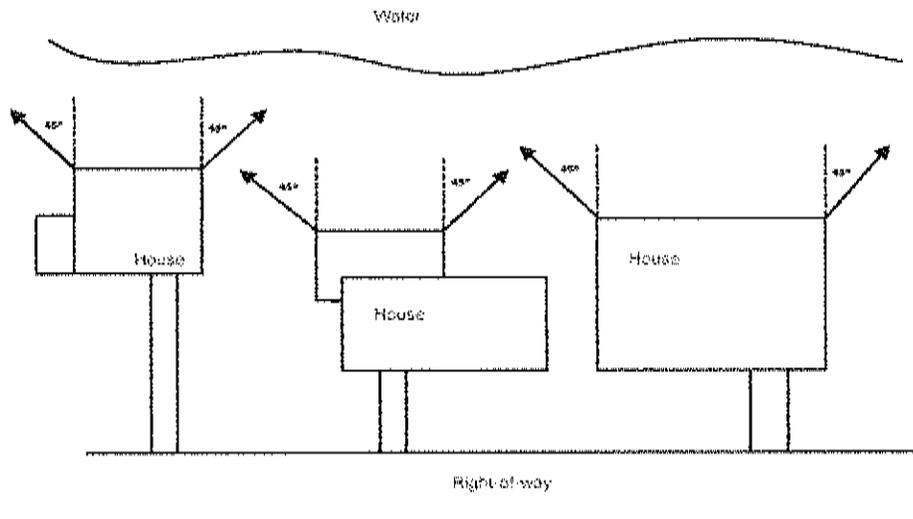
would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25') feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. In the case of driveway/street intersection, the aforementioned technique shall also be used, however a ten (10') foot dimension shall be utilized situated along the driveway and property line. Decorative fencing which would be approved on a corner could include open weave, split rail or similar fencing. Refer to illustration 3-1.

Illustration 3-1 Corner Clearance and Visibility



Unobstructed Yard Space: For purposes of this Ordinance, it shall include a yard space 45 degrees out from the corners of the main exterior wall most parallel to the water, void of all buildings, watercraft, or structures (other than a flag pole, bird house or bird feeder). Grass, sod, shrubs, hedges and similar landscaping shall be permitted provided they do not create a physical or visual barrier over three (3) feet in height. Deciduous trees shall be permitted provided the trees are pruned of branches to a minimum of eight (8) feet from the base. Fences, walls or similar barriers may be permitted by the Zoning Board of Appeals. Please refer to illustration 2-8

Illustration 2-8. Unobstructed Yard Space

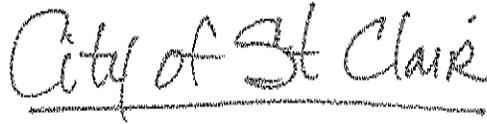


Interpretation of Section 3.08 – paragraph 1b (Fences)

December 18, 2008 – The Clay Township Zoning Board of Appeals interprets Clay Township Zoning Ordinance #126 Section 3.08 (1b) to mean chain link fencing is prohibited in the front yard.

Interpretation of Section 3.08 – paragraph 1b (Fences)

December 19, 2013 – The Clay Township Zoning Board of Appeals interprets Clay Township Zoning Ordinance #126, Section 3.08 (1b) to mean for lots which have an accessory building in front (roadside) of the main building, no obscuring fence or wall shall be located in the space between the public right of way and the nearest point of the accessory building.



Section 5.5. - Walls and screens.

5.5.1. Within a Residential District:

- A. When permitted, all exposed horizontal and vertical structural members of a fence shall be located facing the inside of the property they are intended to fence.
- B. Within the limits of the front yard space, ornamental fencing or screening shall be permitted provided it does not exceed four (4) feet in height.
- C. Within the limits of a side or rear yard, a fence, wall or screen shall not exceed six (6) feet in height.

5.5.2. In a commercial, industrial, or research office district, no fence, wall, or other screening structure shall exceed twelve (12) feet in height.

5.5.3. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.

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Section 5.6. - Buffers between conflicting land uses.

- 5.6.1. Upon any improvement, including a structural or use expansion, of property within a zoning classification of OS, C-1, C-2, M-1, M-2, or any non-residential special use, an obscuring wall shall be constructed to create a visual screen along all adjoining boundaries of property zoned or used for single-family, two-family or multiple-family residential. This same requirement shall apply to property zoned R-3 along all adjoining boundaries of property zoned or used for single-family residential.
- 5.6.2. A required screening wall shall be six (6) feet in height as measured on the side of the proposed wall having the higher grade, and shall be constructed on both sides with: face brick; poured-in-place face brick; pre-cast brick face panels having simulated face brick; or stone. In lieu of a required screening wall, the developers may request from the Planning Commission the construction of a landscape buffer in accordance with the standards of this section and 5.6.3 or a combination screen wall and landscaping in accordance with this section and 5.6.4.
- 5.6.3. Landscape Buffer: The landscape buffer shall be constructed as follows:
- A. A strip of land a minimum of fifteen (15) feet in width located between the residential use and the conflicting land uses(s).
 - B. One (1) tree for each thirty (30) feet lineal, or fraction thereof, located between the residential use and adjacent conflicting land use(s), located so as not to create a vehicular sight-distance obstruction.
 - C. Between conflicting land uses, a hedge or other plant material barrier, wall, berm, or any combination of these landscape elements shall be planted to form a continuous screen at least six (6) feet in height at all points. If a non-living barrier is used, living plant material will be required on both sides of the screen. The screen shall be located so as not to create a vehicular sight-distance obstruction and shall be a minimum of twenty (20) feet from driveway intersections.
 - D. Grass ground cover, gravel, or wood chips shall be established and maintained on all portions of the required landscape strip not occupied by any other landscape material.
 - E. The landscape buffer shall be planted in such a manner as to provide a minimum opacity (visual restriction) of 80 percent in summer and 60 percent in winter.
 - F. A minimum landscape strip of ten (10) feet shall be maintained between roads and interior parking areas or driving lanes.
- 5.6.4. Wall and Landscape Combination: A wall and landscape combination may be constructed in lieu of a solid screen wall or landscape buffer provided the following standards are met.
- A. The screen wall height shall be six (6) feet. Landscape material may achieve a greater height.
 - B. A complete obscuring effect is achieved through design and installation.
 - C. This application is considered a special land use, must be approved by the Planning Commission and is subject to a public hearing.

(Ord. No. 2010-02, § 1, 4-19-10)

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