

**CITY OF WALKER  
KENT COUNTY, MI**

**ORDINANCE NO. 11- 602**

AN ORDINANCE TO AMEND SECTION 34-235 MINERAL MINING REVIEW BOARD AND SECTIONS 94-337, 94-5, 94-180 (D), 94-181 (D), 94-177-A (D) AND 94-177-A (5) IN CHAPTER 94 OF THE CODE OF ORDINANCES, CITY OF WALKER.

THE CITY OF WALKER ORDAINS:

**Section 1.      Amendment of Section 34-235 Mineral Mining Review Board**

That the Code of Ordinances, City of Walker, Michigan, is hereby amended by adding standards for alternate members of the Mineral Mining Review Board, which such Section shall read as follows:

**Sec. 34-235. Mineral mining review board.**

A mineral mining review board is hereby created. The board shall consist of five regular members plus two alternate members, as follows: the city engineer, the superintendent of the department of public works, the city planner, two other regular members plus two alternate members, as appointed by the city commission from among other city staff or city officials (except the building official). The terms of the city engineer, the superintendent of the department of public works, and the city planner as members of the board shall correspond to their respective official tenures. The terms of each of the two regular members and each of the two alternate members of the board appointed by the city commission from among city staff or city officials shall be for one year commencing on January 1, with eligibility for reappointment for unlimited successive terms (provided that if any member so appointed thereafter ceases to be employed by the city or ceases to be a city official, as applicable, that member's term shall then immediately end and the position shall be vacant unless another eligible person is appointed by the city commission to serve as an interim member until the following January 1). Meetings of the board shall be open to the public and shall be held as necessary to consider applications for licenses or to take other actions as provided by this article. Every action of the board shall be by a concurring vote of three members. The alternate members may be called to sit as regular members of the board in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member called to serve in the place of a regular member shall serve in the case until a final decision is made, and shall have the same voting rights as a regular member of the board. The board shall keep a record of its proceedings, findings and determinations, which shall be a public record and shall be filed in the office of the city clerk. The board may establish rules to govern its procedures, and may call on any other city officials or boards for assistance in the performance of its duties.

**Section 2.      Amendment of Section 94-337 Fences, Walls and Hedges**

That the Code of Ordinances, City of Walker, Michigan, is hereby amended by clarifying and amending standards for fences and walls, which such Section shall read as follows:

**Sec. 94-337. Fences and walls.**

- 1) The following requirements apply to fences and walls in residential zoning districts and the AA - Agricultural district:

- a) In residential districts, fences and walls located in a required front yard setback shall not exceed four feet in height.
  - b) Fences used for non-agricultural purposes that are above three feet in height and are located in the required front yard setback shall not exceed 50% opacity, as measured as the distance between slats, boards, pickets, split rails, iron posts or similar structural material.
  - c) Fences and walls located in a required side or rear yard setback shall not exceed six feet in height.
  - d) Fence post shall not extend above the top of the fence; however, decorative post caps can project a maximum of four (4) inches above the top of the tallest adjacent fence section.
  - e) Decorative fence tops, lattice and rails are allowed but shall be included in the overall fence height measurement.
  - f) No fence shall be constructed of a material which is of such low strength as to be likely to collapse under the weight of a child or other person weighing up to 100 pounds.
  - g) Fences used for non-agricultural purposes shall not be constructed of a woven wire, chain link or similar material which has spaces larger than two and a half inches between the wires or chain link. This requirement shall not apply to wrought iron, split rail or similar fences.
  - h) Fences shall be installed with the “good” side facing outwards. The good side will be the finished side, which does not show the supports, posts or similar structural components.
- 2) The following requirements apply to fences and walls in non-residential and non-agricultural zoning districts:
- a) Fences and walls located in a required front yard setback shall not exceed six feet in height.
  - b) Fences and walls in a required side or rear yard setback shall not exceed ten feet in height.
  - c) No fence shall be constructed of a material which is of such low strength as to be likely to collapse under the weight of a child or other person weighing up to 100 pounds.
  - d) Fences shall not be constructed of a woven wire, chain link or similar material which has spaces larger than two and a half inches between the wires or chain link. This requirement shall not apply to wrought iron, split rail or similar fences.
- 3) No fence, wall or other structure in any zoning district shall be constructed or located within a drainage easement described in a final subdivision plat or a final site condominium project plan, or within a drainage easement of the city or other governmental entity which is recorded with the Kent County Register of Deeds or otherwise established by law.
- 4) No planting of trees or other vegetation shall be made or located in any zoning district so as to materially impede the flow of surface water within a drainage easement described in a final subdivision plat or a final site condominium project plan, or within a drainage easement of the city of other governmental entity which is recorded with the Kent County Register of Deeds or otherwise established by law.

### **Section 3.      Amendment of Section 94-5 Definitions**

That the Code of Ordinances, City of Walker, Michigan, is hereby amended by adding two new definitions, which such Section shall read as follows:

*Online Auction Operations* means: A site of a business that conducts public auctions via the internet to sell new, used or repossessed vehicles, furniture, electronic equipment, appliances or similar items. The items being auctioned are stored on the site until purchased. Items being stored on the site shall not be displayed for sale.

*Recycling / Composting Operations* means: A business that receives, stores and processes waste products and organic materials. These products and materials are often transformed into new and different products via

mechanical, organic or physical processes. This operation shall not be confused with the uses *Mineral Processing and Material Storage* or *Junkyard* as defined herein.

**Section 4. Amendment of Section 94-180 (d) ML District Special Exception Uses**

That the Code of Ordinances, City of Walker, Michigan, is hereby amended by adding two new terms to the list of special exception uses as follows:

**Section 94-180 (d) *Special exception uses permitted after review and approval by the planning commission.***

The following uses may be permitted as special exception uses within the ML district if approved by the planning commission as provided by article IX:

- (7) Online Auction Operations.
- (8) Recycling / Composting Operations.

**Section 5. Amendment of Section 94-181 (d) MH District Special Exception Uses**

That the Code of Ordinances, City of Walker, Michigan, is hereby amended by adding two new terms to the list of special exception uses, which such Section shall read as follows:

**Section 94-181 (d) *Special exception uses.*** The following uses of land and structures may be permitted as special exception uses within the MH district as provided by this section and article IX:

- 1) Junkyards.
- 2) Online Auction Operations.
- 3) Recycling / Composting Operations.

**Section 6. Amendment of Section 94-177-A (D) Clear glass in Standale Downtown District**

That the Code of Ordinances, City of Walker, Michigan, is hereby amended by adding specifications for clear glass windows, which such Section shall read as follows:

**Section 94-177-A (D) *Commercial, office and mixed-use architectural requirements.*** Commercial, office and mixed-use buildings in the district shall meet the following architectural design requirements:

Commercial, Office and Mixed-Use Building Windows and Doors	• At least 60 percent of the storefront/ground floor façade shall be clear glass windows and doorways. Clear glass shall be transparent at the street level and possessing a measurement of greater than sixty (60) percent Visible Light Transmission (VLT).
	• Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall.
	• Reflective or tinted glass that impedes views into a building is prohibited. Windows shall not be covered with opaque materials or blocked by shelving units.

	<ul style="list-style-type: none"> <li>• The bottom of a window must be no more than four feet above the adjacent exterior grade.</li> </ul>	
	<ul style="list-style-type: none"> <li>• The front entranceway shall be inset a minimum of three feet from the front façade.</li> </ul>	
	<ul style="list-style-type: none"> <li>• Window openings above the first story shall be a maximum of 30 percent of the total façade area. Windows shall be taller than wide in proportion.</li> </ul>	

**Section 7. Amendment of Section 94-177-A (5) Signage in Standale Downtown District**

That the Code of Ordinances, City of Walker, Michigan, is hereby amended by amending and clarifying standards for signage, which such addition shall read as follows:

**Section 94-177-A (5). *Supplemental standards.***

**(n) *Signs.***

- (1) The sign regulations in article XIV do not apply to properties in the district, except as noted herein.
- (2) Pylon/pole/freestanding signs and directional signs are not permitted in the District.
- (3) Wall signs, awning signs, canopy signs, blade or projecting signs and sandwich board signs, (or A-frame signs) are permitted in the district per the standards of Section 94-406 and 94-410. Blade and projecting signs may project four feet over the public sidewalk with a minimum 10-foot vertical clearance above the sidewalk. Sandwich board signs (or A-frame signs) may be placed on the sidewalk but shall not block pedestrian passage.
- (4) Ground/monument signs for a public/civic use, business center or residential complex may be permitted after planning commission review and approval. Ground/monument signs shall consist of masonry construction materials with street address numbers displayed.
- (5) Signs shall not blink, flash, spin or move in any manner.
- (6) Digital / electronic reader boards of any type are not allowed.
- (7) New signs or physical changes to existing signs will require a sign permit from the city community development department.

**Section 8. Severability.** The various parts, sections, and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section, or clause is determined invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be thereby affected.

**Section 9. Effective Date.** This Ordinance will become effective upon the expiration of seven days after publication of a notice of ordinance adoption in a newspaper of general circulation within the City of Walker.

First reading: September 12, 2011

Second reading: September 26, 2011

Effective date: October 11, 2011