

**CITY COMMISSION
CITY OF WALKER
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 17-635

AN ORDINANCE TO AMEND CHAPTER 94, ARTICLE 1, SECTION 94-5, ENTITLED
“DEFINITIONS” AND CHAPTER 94, ARTICLE 12, SECTION 94-337, ENTITLED
“FENCES AND WALLS” OF THE CODE OF THE CITY OF WALKER

THE CITY OF WALKER ORDAINS:

Section 1. Amendment of Code. That a definition of “Fences” contained in Chapter 94, Article 1, Section 94-5 of the Code of Ordinances, City of Walker, Michigan, is added to read as follows:

ARTICLE I. - IN GENERAL

Sec. 94-5. - Definitions and interpretation of terms.

For the purpose of this chapter, unless clearly otherwise required by the context, words used in the present tense include the future; words in the singular number include the plural and the words in the plural number include the singular; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. Any words not defined in this section shall be construed, if applicable, as defined in the Housing Law of Michigan, Act No. 167 of the Public Acts of Michigan of 1917. Except as otherwise provided in this chapter, the terms and words in this chapter are defined as follows:

Fence means an enclosure or barrier used as a boundary, means of protection, privacy screening, or confinement, composed of materials other than hedges, screen plantings, or other planted landscaping materials.

Section 2. Amendment of Code. That the supplemental regulations pertaining to “Fences and walls” contained in Chapter 94, Article 12, Section 94-337 of the Code of Ordinances, City of Walker, Michigan, are amended to read as follows:

ARTICLE XII. - SUPPLEMENTARY DISTRICT REGULATIONS

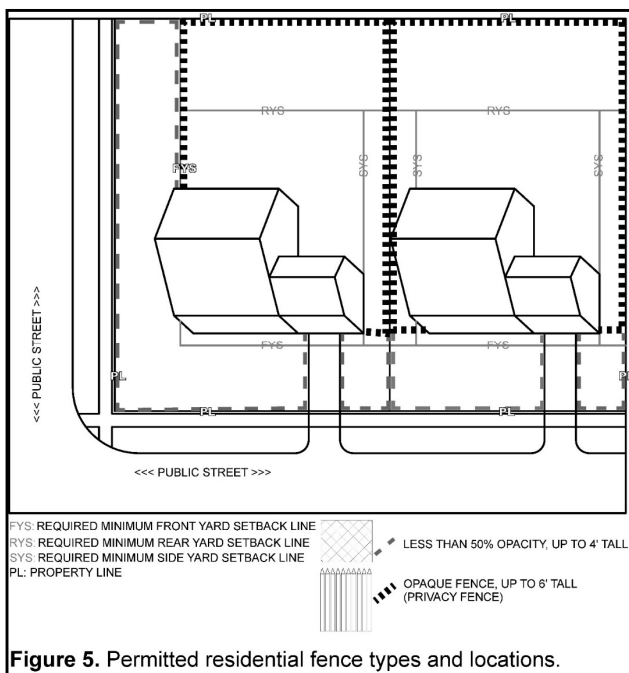
Sec. 94-337. - Fences and walls.

(1) The following requirements apply to all fences and walls:

- a. 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.

- b. All contiguous fencing shall have uniform spacing between any slats, posts, or other repeating elements.
- (2) 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 nonagricultural purposes that are above three feet in height and are located in the required front yard setback shall not exceed 50 percent 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 posts shall not extend above the top of the fence; however, decorative post caps can project a maximum of four 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. Fences used for nonagricultural 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.
 - g. 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.
 - h. Residential fences in excess of 50% opacity shall be primarily composed of one or a mix of the following materials:
 - 1. Stained, painted, or comparably finished lumber
 - 2. Vinyl or composite plastic
 - 3. Pressure treated lumber
 - 4. Other materials as deemed compatible with the intent of this chapter after review by the Walker Board of Zoning Appeals.
 - i. Residential fences not exceeding 50% opacity shall be primarily composed of one or a mix of the following:
 - 1. Wrought iron or a similar metal alloy
 - 2. Stained, painted, or comparably finished lumber
 - 3. Vinyl or composite plastic
 - 4. Split rail
 - 5. Chain link, subject to the limitations of this section.

6. Pressure treated lumber
 7. Other materials as deemed compatible with the intent of this chapter after review by the Walker Board of Zoning Appeals.
- j. Residential walls shall be primarily faced with one or a mix of the following materials:
1. Brick
 2. Stone
 3. Stucco
 4. Other materials as deemed compatible with the intent of this chapter after review by the Walker Board of Zoning Appeals.



- (3) The following requirements apply to fences and walls in nonresidential and nonagricultural 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. 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.
- (4) 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.

- (5) No planting of trees or other vegetation shall be made or located in any zoning district 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.

(Ord. No. 72-164, 2-22-72; Ord. No. 94-456, § 5, 12-13-94; Ord. No. 98-512, § 1, 4-13-98; Ord. No. 08-558, § 3, 7-14-08; Ord. No. 11-602, § 2, 9-26-11; Ord. No. [16-632](#), § 1, 9-26-16)

Cross reference— Buildings and building regulations, Ch. 18; vegetation, Ch. 90.

Section 3. Effective Date. This Ordinance shall become effective upon the expiration of seven (7) days following the publication of lawful notice of its adoption in a newspaper of general circulation in the City of Walker. Effective 7-31-2017.