

ORDINANCE NO. 2012-06
AN ORDINANCE TO AMEND CHAPTER 18 AND CHAPTER 30 OF
THE CITY CODE AND ZONING CODE OF THE CITY OF ALBION
BY AMENDING FENCE REQUIREMENTS

Findings and Purpose:

The Mayor and City Council of the City of Albion find that clarification is needed in City Code and Zoning Code to establish allowable fence materials and coverage on properties within the City. The Albion Planning Commission held a public hearing on Wednesday, February 22, 2012 to receive public comment on the proposed amendments. The Albion Planning Commission has recommended that the City Council approve the proposed amendments.

It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the City Code of Ordinances and the Zoning Code of Ordinances, City of Albion, Michigan, and the Sections of this Ordinance may be renumbered to accomplish such intention.

THE CITY OF ALBION ORDAINS:

Section 1 – Title. An Ordinance to amend Chapter 18 and Chapter 30 of the City Code and Zoning Code of the City of Albion by amending the language that establishes allowable fence materials and coverage on properties in the City.

Section 2 – Amendment.

- A. That the title of Section 18 – 301. is hereby replaced with the following language:

“Section 18 – 301. Height, material and location restrictions.”

- B. That Section 18 – 301. (c) of the Code of the City of Albion is hereby replaced with the following language:

(c) Solid (opaque) fences shall not be erected or placed in front yard areas. Solid fences include all fencing of between sixty-three percent (63%) to one hundred percent (100%) solid. Fencing in side and rear yard areas may be solid (opaque). In zoning districts other than residential, the Planning Commission shall have the authority to permit and/or require solid fencing in front yard areas. In approving an exception, the Planning Commission shall indicate in the approving resolution the reasons or criteria for approving the exception.

- C. That the following language is added to Section 18 – 301.:

- (e) Fencing material utilized shall be in the form of traditional fencing sold for retail purposes, including metal, vinyl or wood. Temporary fencing (light, flexible plastic, wire or wood) may be used for up to a six (6) month period each calendar year. Typically this fencing would be used for gardens, snow fencing, a temporary barrier, etc. After the six (6) month period the fencing, posts etc. shall be completely removed.

D. That the following language is added to Section 30 – 432.:

1. Landscaping and screening (no changes)
2. In residential areas, where fencing is required (or an option) in front yard areas, the fencing shall not be solid (opaque). In these situations, the fencing installed shall be less than sixty-three percent (63%) solid. In other zoning districts the Planning Commission shall have the authority to permit and/or require solid fencing in front yard areas. In approving an exception, the Planning Commission shall indicate in the approving resolution the reasons or criteria for approving the exception.

Section 3 – Separability. If any Section, sub-section, sentence, phrase or portion of this Amendment to the City of Albion Code of Ordinances and Zoning Code of Ordinances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4 – Ordinances Repealed. All Sections or parts of Sections of this City Code and Zoning Code, Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5 – Effective Date. This Ordinance shall take effect after publication in a newspaper of general circulation in the City of Albion and on May 17, 2012.

First reading:

March 5, 2012

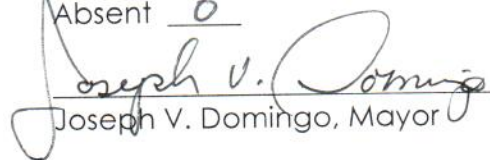
Ayes 6
 Nays 0
 Absent 1 - Krause


 Kerry Helmick, City Clerk

Second reading and adoption

April 16, 2012

Ayes 7
 Nays 0
 Absent 0


 Joseph V. Domingo, Mayor