

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.

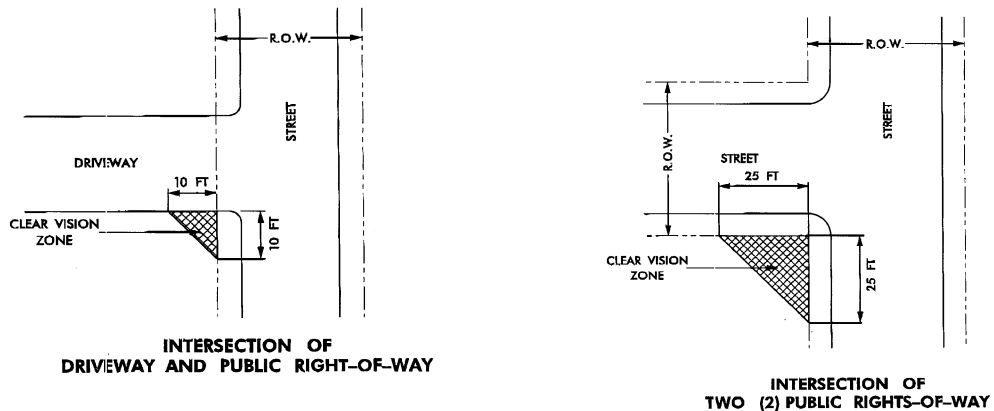
3. **Required on outer perimeter.** Greenbelts shall be required on the outer perimeter of all lots or parcels, extending to the lot or parcel boundary line as defined by Appendix A. Greenbelts shall not be located on any portion of an existing or dedicated public or private street or right-of-way.
4. **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

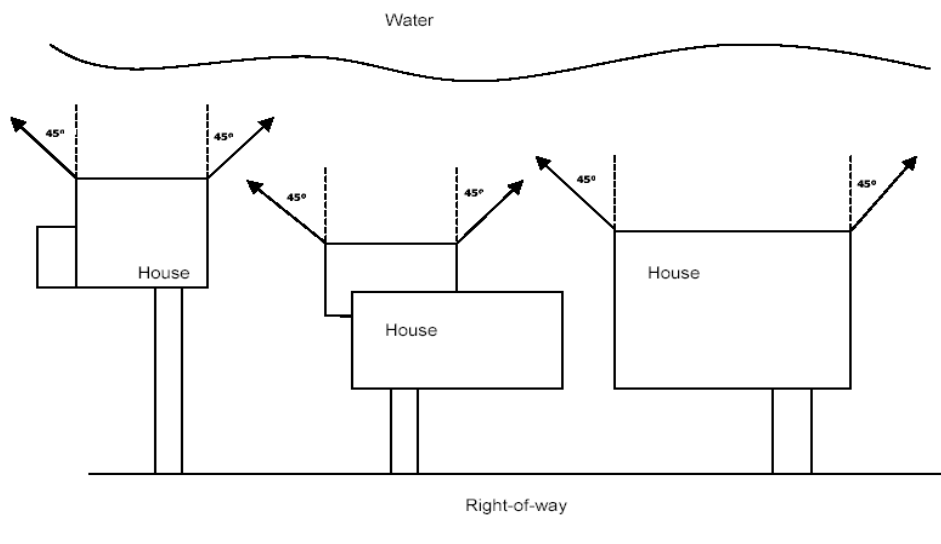
would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25') feet from the intersection of the street lines or in the case of 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.