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**Montmorency Township
Ordinance No. 1 of 2021**

An ordinance to amend the Montmorency Township Zoning Ordinance Article 2 (Definitions) and Article 17 (General Lighting and Screening Requirements) to address shipping containers and fences.

Montmorency Township, Montmorency County, Michigan ordains:

Section 1: Amendments to the Montmorency Township Zoning Ordinance Article 2 and Article 17.

That the Montmorency Township Zoning Ordinance, Article 2 is hereby amended to read as follows:

(Add the following)

Shipping or Manufactured Storage Container: A large, strong container, usually made of metal, which is fabricated and used for the purpose of storing goods in during shipment usually by truck, railroad, or ship. A shipping or manufactured storage container may be permitted as an accessory building in the Agricultural (AG) District, Residential (R-1) District, Commercial (C-1) District, and Industrial (I-1) District in the numbers listed in each district section within this Ordinance. A shipping or manufactured storage container shall not be permitted in the Resort Residential (RR-1) District or the Residential Mobile Home Park (RM-1) District. A shipping or manufactured storage container shall not be used as a dwelling.

Fence: A permanent or temporary partition or structure erected as a divider, barrier, or enclosure and not part of a structure requiring a building permit. Wooden, concrete, asphalt, earthen, or masonry walls, berms, paving, driveways or fill materials and hedges shall be defined and regulated as fences when such items rise higher than the preexisting ground level (i.e., the level of the ground as it existed immediately before such items were deposited or erected,) and when such items are used for the purpose of enclosure or as support for an enclosure.

Fence Height: The vertical distance from the lowest part of the fence structure to the highest part of the fence structure. When all or part of a fence is installed on wooden, concrete, asphalt, earthen, or masonry walls, berms, paving, driveway or fill materials that are used for the purpose of enclosure or as a base or support for an enclosure, the height of such items shall be included in the measurement of the fence height when such items rise higher than the preexisting ground level.

That the Montmorency Township Zoning Ordinance, Article 4 (AG – Agricultural District) is hereby amended to read as follows:

Accessory Uses

6. Shipping or Manufactured Storage Containers shall be permitted at one (1) per twenty (20) acres with a maximum of three (3) total per lot. Such structures shall adhere to all regulations relating to standard accessory buildings.

That the Montmorency Township Zoning Ordinance, Article 5 (R-1 – Residential District) is hereby amended to read as follows:

Permitted Uses

11. Shipping or Manufactured Storage Containers shall be permitted at one (1) per twenty (20) acres with a maximum of three (3) total per lot. Such structures shall adhere to all regulations relating to standard accessory buildings.

That the Montmorency Township Zoning Ordinance, Article 8 (C-1 – Commercial District) is hereby amended to read as follows:

Permitted Uses

16. Shipping or Manufactured Storage Containers shall be permitted at one (1) per twenty (20) acres. Such structures shall adhere to all regulations relating to standard accessory buildings.

That the Montmorency Township Zoning Ordinance, Article 9 (I-1 – Industrial District) is hereby amended to read as follows:

Permitted Uses

14. Shipping or Manufactured Storage Containers shall be permitted at one (1) per twenty (20) acres. Such structures shall adhere to all regulations relating to standard accessory buildings.

That the Montmorency Township Zoning Ordinance, Article 17 is hereby amended to read as follows:

Article 17: General Lighting and Screening Requirements

- A. **Lighting.** All lighting upon any premises, regardless of zone, shall be so arranged that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or the traveling public on public highways.
- B. **Screening.** Except as otherwise provided in this zoning ordinance, all premises used for business, commercial or industrial purposes and located within a "C-1" Commercial District shall be screened from adjoining premises located in any Residential District classification by any of the following:
 1. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, not less than four feet in height at the time of

planting and maintained in a neat and attractive manner commensurate with the adjoining residential district.

2. An artificial wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants or adjoining premises, not less than five feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
3. No such planting area shall be closer than 10 feet from any adjoining right-of-way line.

In the event of any controversy, subsequent to the Zoning Administrators decision as to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Zoning Board of Appeals shall have the right and is hereby given the authority to determine whether the same is in violation of these screening and lighting provisions and the purpose herein sought to be accomplished of the screening of abutting business and residential properties and the prevention of nuisance from artificial lighting.

C. Fences.

1. Fences require a zoning permit except for the following:
 - a. Hedges which are used as fences shall not require a zoning permit but shall comply with subsections C.2, C.3, and C.4.
 - b. A single strand of wire fencing used only to mark a property line shall be exempt from this Section and no zoning permit shall be required.
 - c. Fences used for agricultural purposes shall not be subject to the provisions of this Section.
2. **Property Line Determination:** In the installation of any fence, the property owner is responsible for the location of property lines and obtaining a professional survey if recommended. Montmorency Township shall not be held responsible for any property line or fence disputes between adjacent property owners.
3. **Height and Setback.** Notwithstanding other provisions in this Ordinance, fences may be permitted on any residential property provided that no fence exceed a height of six (6) feet and shall be no closer than five (5) feet from the front property line or road right-of-way. On the side and rear property lines, the fence may abut the property line, but if it is on the property line, in platted subdivisions, there must be a written agreement signed by both parties and kept with the permit.
4. **Waterfront Lots:** Where a lot borders a lake or stream, fences shall be set back from the ordinary high water mark by twenty-five (25) feet at minimum. Further, a fence placed in any part of the lot lying between the principal building and the ordinary high water mark shall not exceed four (4) feet in height, unless approved as a Special Use Permit. In reviewing any Special Use Permit application for a fence exceeding four (4) feet in height on the waterfront side of such lot, the

Planning Commission shall consider whether or not the proposed fence unreasonably restricts waterfront views of neighboring residents, or may in the future.

5. **Fence Posts.** Fence posts shall be placed on the inside of the property line of the owner erecting the fence.
6. **Finished Side of Fence.** The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished and constructed so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
7. **Materials.** Fence materials may include materials commercially designed for fence construction. Scrap lumber, plywood, woven wire (except for agricultural purposes), sheet metal, plastic or fiberglass sheets, old signage, old doors, or other materials not commercially designed for fence construction are specifically prohibited.

Section 2: Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The Montmorency Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

Montmorency Township Supervisor

Montmorency Township Clerk

I, _____, Clerk for Montmorency Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ of 2021 of Montmorency Township, adopted by at a meeting of the Township Board held on _____.

A copy of the complete ordinance text may be inspected or purchased at the Montmorency Township Offices at _____.

Adopted: _____ Published: _____ Effective: _____, subject to PA 110 of 2006 as amended.