

## PART II - CODE OF ORDINANCES

### APPENDIX A ZONING

- 2) *Roof mounted.* Roof mounted equipment shall not exceed a height of ten feet above the surrounding roof surface, and shall occupy no more than 15 percent of the total roof area.
  - 3) *Ground mounted.* [Ground mounted equipment] shall be placed in either a nonrequired side or nonrequired rear yard.
- b) The following shall be exempt from the above provisions:
- 1) Single-family homes.
  - 2) Two-family homes.
  - 3) Window air condition[ing] units.

#### **Section 3.80. Essential public services.**

- a) The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district, subject to the following review and approval procedures:
- 1) *Review and approval by zoning administrator.* The zoning administrator shall have authority to review and approve essential public services buildings which do not exceed a ground floor area of 600 square feet, nor twelve feet in height. A site plan shall be submitted to the zoning administrator for review and approval. The site plan shall include those elements required by the site plan review standards of this ordinance; provided, however, the zoning administrator may waive any required site plan element which he determines is unnecessary to make a determination of conformity of the essential public services building with the character of the surrounding neighborhood and this ordinance.
  - 2) *Review and approval by planning commission.* Essential public services buildings having a ground floor area exceeding 600 square feet or 12 feet in height, and all essential public services outdoor storage areas shall require site plan review and approval by the planning commission pursuant to the site plan review requirements of this ordinance.
- b) All buildings and storage areas used for essential public services shall be designed, erected, and landscaped to conform harmoniously with the character of the surrounding neighborhood.
- c) Communication towers shall comply with the provisions of section 3.140 of this ordinance.

#### **Section 3.90. Fences, walls, gates, screens, and landscape—General requirements and intersection visibility (refer also to section 3.320, required screening).**

- a) *Front yard.* Unless otherwise authorized in this ordinance, no fence, wall or screen located within the front yard of any zoning district shall exceed the following height limitations, nor shall said fence, wall, or screen be greater than 50 percent solid throughout its length. [Refer also to paragraph [subsection] f) of this section regarding clear vision standards.]
- 1) Residential districts, four feet.
  - 2) Commercial districts, four feet.
  - 3) Industrial districts, six feet.
- b) *Side and rear yards.* Unless otherwise authorized in this ordinance, no fence, wall or screen located within the side yard or rear yard in any zoning district shall exceed a height of six feet, except that a security fence for a permitted industrial use may include a maximum of one additional foot of barbed wire.
- c) *Measuring fence height.* Fence height shall be measured from the grade (elevation) of the ground immediately below the location of the fence. The grade immediately below the location of the fence

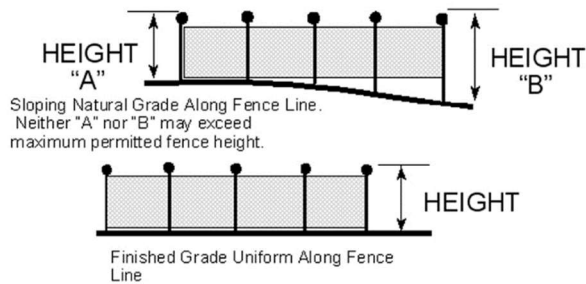
PART II - CODE OF ORDINANCES

APPENDIX A ZONING

may not be modified in order to achieve an increase in fence height in excess of ten percent above that obtainable prior to the grade modification. For purposes of this [sub]section, the grade associated with placement of a fence shall be defined as:

- 1) *Fence erected on a site containing no building or structure.* The grade shall be the naturally existing grade without modification.
- 2) *Fence erected on a site containing principal building or structure.* The grade shall be the finished grade existing at the fence site after construction of the principal building or structure. For fence construction purposes, said grade shall be subject to approval by the zoning administrator.

No portion of the fence shall exceed the maximum permitted height as measured from the grade to the top of the fence.



FENCE HEIGHT

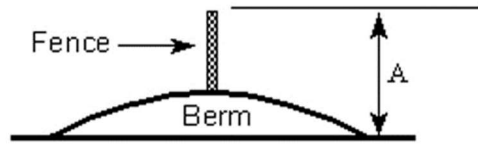
- d) *Fence placed on retaining wall, berm, or similar feature.* A fence, or portion thereof, may be erected on a retaining wall, berm, or similar feature, provided, the combined height of the retaining wall, berm, or such feature and fence shall not exceed the total allowable fence height as referenced under items [subsections] a) and b) above, or as noted in the following paragraph:

The zoning administrator may allow placement of a retaining wall and fence which, when combined, exceed the total allowable fence height as referenced above. Said approval may occur when the zoning administrator determines that additional height is necessary to permit the placement of a retaining wall of sufficient height to stabilize a natural bank against which the retaining wall will be positioned. However, the combined height of the fence and any portion of the retaining wall above the finished grade of the principal structure shall not exceed maximum fence height standards. In granting said approval, the zoning administrator shall determine that the additional height is needed for said stabilization, as opposed to erecting an extended base for purposes of attaining fence height. (Refer to the diagrams of fence located on retaining wall and fence located on berm.)

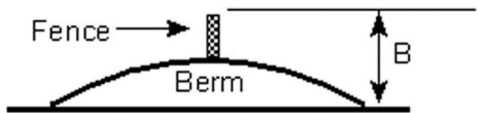
PART II - CODE OF ORDINANCES

APPENDIX A ZONING

FENCE LOCATED ON BERM



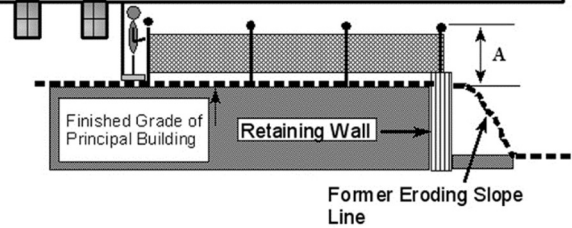
"A" exceeds 6 feet -- **NOT PERMITTED.**



"B" is 6 feet or less -- **PERMITTED.**

**Rear Yard Example - Maximum Height 6 Feet.  
Includes berm and fence combined.**

Retaining wall built to hold bank subject to erosion. Fence placed on top of wall. The wall extends above grade [existing and prior grade (slope) line]. Fence and above grade portion of wall [A] remain within fence height standards.



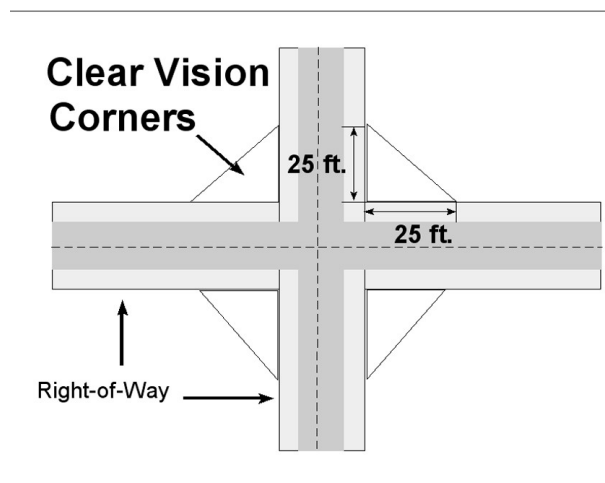
**Fence Located on Retaining Wall**

- e) *Placement in public right-of-way.* No fence, wall or screen shall be erected within any public right-of-way unless such placement is approved by the city council.
- f) *Proximity to public sidewalk.* No fence shall be placed closer than two feet to a public sidewalk or similar public easement unless such placement is approved by the city council.
- g) *Clear vision area.* Except in the C-1 commercial district (properties located outside of the waterfront overlay zone) as noted below, no fence, wall, screen or planting material greater than 36 inches in height shall be erected or maintained in such a way as to obstruct the vision of motorists within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 25 feet from the point of intersection with the right-of-way lines. Alley and street intersections shall comply with the above standards; provided, however, the dimensional factor shall be ten feet from the point of intersection with the right-of-way lines.

Due to the zero lot line setback requirements of the C-1 district (outside of the waterfront overlay zone), the above clear vision requirements shall normally not apply. However, all developments shall be designed, constructed, and maintained to ensure a high level of public safety. If, in the opinion of the zoning administrator, clear vision requirements are necessary for public safety, said administrator may require the same, consistent with the standards referenced above. In reaching a determination, the zoning administrator shall consult with the Montague Police Department for a recommendation on this matter. The local exclusion of the C-1 district shall not override applicable clear vision requirements of the Michigan Department of Transportation for state regulated roadways located in the C-1 district.

PART II - CODE OF ORDINANCES

APPENDIX A ZONING



- h) *Clear vision and driveway existing.* No fence, wall, screen or planting material shall be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
- i) *Property line location.* A fence may be located on a common property line, but may not fully encroach onto an abutting parcel without the written consent of the owner(s) of the abutting parcel, a copy of which written consent shall be filed with the zoning administrator prior to the erection of the fence.
- j) *Electric charge.* The use of electric current or charge on any ground surface or aboveground fence or part thereof is prohibited. Electronic fences buried beneath the ground shall be placed at least three feet from all lot lines (extended) and shall be subject to the provisions of the city electrical code.
- k) *Wall, fence, and gate design/type and animal enclosure.* Walls and fences, including gates, shall be compatible with the neighborhood in which they are placed. Except as noted below, fence and gate designs and types commonly associated with agricultural, commercial, and industrial operations are prohibited in residential districts. Such prohibited fencing and gates include, but are not limited to, livestock fencing, such as barbed wire, cattle and horse fencing and gates, chicken wire, woven wire fencing, commercial and industrial security fencing, and fencing containing barbed wire, electrical charge, razor/knife blades, or other such device. Animal enclosures (e.g., dog pens) placed in a residential district shall be located in the rear yard, a minimum of three feet from adjoining lot lines. Animal enclosures may be constructed of cyclone, woven wire, or similar type fencing.
- l) *Construction material.* Walls and fences, including gates, shall be constructed of new, durable, weather-resistant, rustproof, and easily maintainable materials customarily used in the construction of walls and fences; provided, however, this provision shall not preclude the use of decorative architectural materials when consistent with the intent of this section, the character of the area in which the fence is to be placed, and as approved by the city. Used material may be permitted, subject to review and approval by the zoning administrator.
- m) *Fence posts/supports.* All fences shall be erected with fence posts and supports on the interior side.
- n) *Use of landscape as desired alternative to walls and fences.* The use of existing natural vegetation and new vegetative landscape is encouraged in place of constructed walls and fences, or in combination with walls and fences.
- o) *Fence gaps.* Walls and fences required by the city for reasons of security and/or screening, or similar purposes, shall have no openings or discontinuances (e.g., gaps or other nonsecured or non-screened breaks), except as may be approved by the planning commission.
- p) *Fences for swimming pools.* All swimming pools capable of holding 24 or more inches of water shall be provided with a fence and self-locking gate. The fence and gate shall be no less than 48 inches in

## PART II - CODE OF ORDINANCES

### APPENDIX A ZONING

height; provided, however, more stringent requirements may be imposed by the zoning administrator or building inspector if determined necessary for public safety or as regulated by the building code.

- q) *Fence permit and other regulations concerning fence, wall, and landscape requirements.* Erection of a fence shall require a fence permit and payment of the necessary permit fee. (Refer also to regulations governing landscaping, buffers, architectural screens, and the like, section 3.320.)

#### **Section 3.100. One principal building, structure or use per lot.**

No lot may contain more than one principal building, structure, or use; provided, however, this provision shall not apply to groups of multiple-family dwellings, commercial buildings, industrial buildings or other groups of buildings which have been determined by the planning commission or city council, after review, as based on the requirements of this ordinance, to be a principal use collectively.

#### **Section 3.110. Repair and storage of vehicles in residential districts.**

- a) *Repair, restoration, and maintenance.* The carrying out of repair, restoration, and maintenance procedures on vehicles in any residential zoning district shall be subject to the following requirements:
- 1) Procedures exceeding 48 hours in duration or which require the vehicle to be immobile or inoperable in excess of 48 hours shall be carried out within an enclosed building.
  - 2) Inoperable and unlicensed vehicles and vehicle parts, packaging material, equipment, and other equipment and materials shall be stored inside an enclosed building.
  - 3) The vehicular repair shall be of a noncommercial nature.
- b) *Parking of trucks and construction equipment.* It shall be unlawful for the owner, tenant or lessee of any lot in any residential zoning district to permit the open storage or outdoor parking of semi-tractor trucks and semi-tractor trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use for approved construction on such lot. Said machinery and equipment shall be removed within one week of the completion of construction.

#### **Section 3.120. Use of yard spaces and other open areas for storage of machinery, equipment, junk, and wood impacting residential parcels.**

On any residential parcel, no machinery, equipment, lumber piles, crates, boxes, junk, debris, or other materials shall be stored in any yard or open area that is visible from the street, public right-of-way, or adjoining residential property; provided, however:

- a) *Temporary placement of machinery and equipment used for building activities.* Machinery, equipment, and supplies being used for on-site construction activity for which a bona fide building permit has been issued may be stored on-site. Said machinery, equipment, and supplies shall be removed within one week of the completion of construction.
- b) *Wood used for home heating.* Cut lumber and wood to be used for the heating of a home or accessory building may be stored outside in a rear yard, provided, the wood and lumber shall be neatly stacked, shall not harbor vermin or pests, shall be limited to no more than four cords, shall not exceed the maximum fence height for rear yards, and shall be a minimum of three feet from an adjoining property line. Cut lumber and wood stored in the street side yard of a lakefront lot shall be stored in an approved accessory building and/or screened by landscaping, including the use of natural vegetation. Said wood or lumber shall be for the sole purpose of heating a home or accessory building located on the site at which the wood or lumber is stored. This provision shall not include, nor permit, the commercial storage, commercial cutting, or sale of wood and lumber from a residential premises.