

**ORDINANCE #22-01Z**  
**AN ORDINANCE TO AMEND THE TEXT OF THE LEXINGTON**  
**TOWNSHIP ZONING ORDINANCE TO ESTABLISH THE DEFINITION**  
**OF AN OPEN FENCE AND SPECIFY THE REQUIREMENTS**  
**RELATED THERETO.**

**ADOPTED: March 24<sup>th</sup>, 2022**

**EFFECTIVE: April 8<sup>th</sup>, 2022**

**THE TOWNSHIP OF LEXINGTON ORDAINS:**

**ARTICLE 1:**

Chapter 2, Section 2.2.0 — General Definitions, is hereby amended to add a new definition as follows:

**FENCE, OPEN:** A fence that is designed and constructed so that more than 50% of the vertical surface area is open space. The open space must permit clear vision and the free passage of light and air through the fence when viewed at an angle perpendicular to the fence.

**ARTICLE 2:**

Chapter 3, Section 3.14.0 — Fences, Walls and Screens, Subsection .02 is hereby amended to read as follows:

**.02 MAXIMUM HEIGHTS AND REQUIRED OPEN FENCES**

In addition to the standards of Section 3.14.01, all fences, walls or other screening structures, other than the permitted retaining walls, located on a Single Family Residential, Agriculture/Residential, Agriculture II, Lakefront Residential, Recreational, and Resort (LFRRR), Planned Unit Development or Platted Subdivision District shall meet the following standards:

- A. Any fence located in the front yard area, may not exceed a maximum height of four (4) feet and must be an open fence.
- B. Any fence located perpendicular to the front line of the principal building and the rear lot line may not exceed a maximum of six (6) feet in height, and may be of closed construction.
- C. Fences installed on a corner lot must comply with Section 3.14.04 C, must not exceed four (4) feet in height, and must be an open fence.
- D. Any fence located along the rear lot line within any rear yard area may not exceed a height of eight (8) feet, and may be of closed construction.
- E. Where lots abut a body of water, any fence located in the front yard (the Lake side) may not exceed the maximum height of four (4) feet and must be an open fence. No fence shall be permitted in the waterfront yard between the shoreline and the required setback as prescribed by the Department of Natural Resources. Any fence parallel to M-25 and on the westerly portion of the property shall not exceed six (6) feet in height and must be an open fence.
- F. Where the side or front yard space of a lot abuts the rear yard of one or more adjoining lots, the height of the fence shall not exceed eight (8) feet along the portion of the common lot line, but must comply with Section 3.14.04 Clear Vision Area.

G. Wire fences constructed to contain livestock and farm animals are exempt from height requirements, and may be constructed of barbed wire. Refer to Letter "C" in Section 3.14.01.

### **ARTICLE 3 SEVERABILITY CLAUSE:**

The various parts of this ordinance shall be deemed severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part held to be unconstitutional or invalid.

### **ARTICLE 4 REPEAL:**

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict, to the extent that this ordinance conflicts with any other ordinance this ordinance shall control (supersede).

### **ARTICLE 5 EFFECTIVE DATE:**

Public hearing having been held hereon, the provisions of this Ordinance shall take effect upon the expiration of seven days after publication, pursuant to the provision of Section 401 (6), Act 110 of the Public Acts of 2006, as amended.

### **ARTICLE 6 ADOPTION:**

Made and passed by the Township Board of Lexington Township, Sanilac County, Michigan, on this 24th day of March, 2022, A.D.

Date of Public Hearing: February 16, 2022

Date of Adoption by Township Board: March 24, 2022

Date of Publication: April 1, 2022

Date and Time Ordinance Shall Take Effect: April 8<sup>th</sup>, 2022; at 12 noon.

#### **Certification:**

Certification

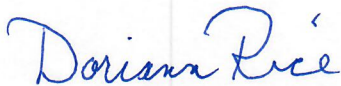
I, Doriann Rice, Clerk of the Township of Lexington, do hereby certify that Ordinance No. 22-01 Z was adopted by the Township Board at a regular meeting of the Township Board held at the Township Hall on the 24th day of March 2022.

Vote on this Ordinance, 5 members being present, was as follows:

AYES: RICE, PARTAKA, MCALLISTER, MILLETICS, JAHN

NAYS: NONE

I further certify that said Ordinance No. 22-01 Z, adopted by the Township Board on the 24th day of March, 2022 was published once in The Jeffersonian, a newspaper published and circulated in the Township of Lexington, County of Sanilac, on the 1st day of April, 2022 is being the first and final day of publication of this ordinance.



**Doriann Rice**, Clerk  
Lexington Township  
Sanilac County, Michigan