

**TOWNSHIP OF WELLS
ZONING ORDINANCE AMENDMENT
Ordinance No. 100-08
Date of Adoption March 14, 2024**

An Ordinance to amend the Wells Township Zoning Ordinance No. 100 adopted on May 10, 2012, to define and regulate within all zoning districts, cargo/shipping/storage containers and/or portable or temporary storage containers within Wells Township and to provide penalties for the violation thereof, to add to Section 10.02 (8) Area, Setback, and Height, to amend Section 12.05.F for accessory building placement, and to amend Section 12.11 to remove “shipping container” from Prohibited Structures.

THE TOWNSHIP OF WELLS ORDAINS:

Section 10.02 of the Wells Township Zoning Ordinance is hereby amended to provide as follows:

(Adding) Section 10.02 8. Cargo Containers for Permanent Storage must comply with setback requirements.

Section 12.05.F. of the Wells Township Zoning Ordinance is hereby amended to provide as follows:

Section 12.05. F. STORAGE FACILITIES. Each dwelling shall have either a basement, garage or storage building containing at least one hundred (100) square feet of storage area. The storage facility shall be constructed at the time of the completion of the dwelling. **(Adding) Accessory buildings shall be erected in side or back yards of a property in relation to the primary use structure.**

Section 12.11. PROHIBITED STRUCTURES of the Wells Township Zoning Ordinance is hereby amended to provide as follows:

Section 12.11. PROHIBITED STRUCTURES. No bus, camper, mobile home, manufactured home, semi-trailer, ~~shipping container~~, railroad car, truck body or other motor vehicle body or similar item shall be placed on any property for use as a storage structure or other building purpose. This section shall not apply to manufactured homes which comply with Sections 12.05 or 12.09 and are used as single-family dwellings. This sections shall also not apply to operable semi-trailers that are currently licensed for highway use and have a current Department of Transportation sticker.

DEFINITIONS

Section 21.01. DEFINITIONS.

(Adding) CARGO/SHIPPING/STORAGE CONTAINER (HEREINAFTER REFERRED TO AS “CARGO CONTAINER”). Any metal or primarily metal container designed or constructed to ship, store, or handle bulk goods or items, or which appears substantially similar to such containers in appearance. Such containers include reusable steel boxes,

freight containers, and bulk shipping containers; originally, a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles of goods or commodities; generally capable of being mounted or moved on a rail car, or loaded on a ship.

(Adding) PORTABLE OR TEMPORARY STORAGE CONTAINER (HEREINAFTER REFERRED TO AS “PORTABLE STORAGE CONTAINER”). A portable or moveable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares valuables or merchandise (typically known as PODS, MODS, etc.), and which is leased on a short-term basis for temporary storage purposes.

SECTION 1. GENERAL CONDITIONS

A. Cargo Containers are permitted as Principal Uses Permitted to be used as accessory storage use in the following zoning districts:

AFR - Agriculture Forestry Residential

RM - Medium Density Residential

C - Commercial

I - Industrial

B. Cargo Containers for Permanent Storage

When allowed by zoning, up to two (2) Cargo Containers may be permanently placed on the property if all applicable building regulations are followed and the property owner obtains site plan approval and permits from the Township Zoning Administrator. Cargo Containers may not be placed on vacant land unless that land is associated with an approved building construction project. The following regulations shall also apply.

- 1. Cargo containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.**
- 2. Cargo Containers shall be painted in solid colors and maintained annually for aesthetics. Any writing or graffiti that may be placed on the container is the responsibility of the property owner and shall be promptly removed.**
- 3. A solid, level foundation (road base material/gravel or better) is required for permanent storage use.**
- 4. No electricity or plumbing may be run or connected to a cargo container.**
- 5. No motor vehicles are allowed to be used as Cargo Containers for permanent storage.**
- 6. Cargo Containers shall meet the setback requirements of the Section 10.02.**
- 7. Cargo Containers shall not be stacked above the height of a single container device.**
- 8. Cargo Containers must be placed in the side or rear yard of the property. Cargo Containers must be placed equal to or behind the front of the primary use structure.**
- 9. Cargo Containers shall not be used to store hazardous materials.**

10. No Cargo Container shall be placed in a location or used in a manner which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.
11. No Cargo Container may be used as living quarters.
12. No structural modifications may be made to Cargo Containers.
13. No livestock or pets may be stored in Cargo Containers.
14. No Cargo Container may block fire or emergency access to other buildings on the property.

C. Cargo Containers for Temporary Use

Property owners will be required to obtain a temporary zoning permit from the Zoning Administrator. Property owners using Cargo Containers for temporary use must be able to produce for inspection upon request the Township any documentation related to shipping dates for each container on site. No Cargo Container used for temporary storage shall be kept on the premises for longer than three months, upon approval, this period may be extended for an additional three months annually. The following regulations shall also apply:

1. Preferred placement of these temporary structures is a driveway or front yard area, if applicable considering setback requirements.
2. Cargo Containers shall not be stacked above the height of a single container device.
3. No electricity or plumbing may be run or connected to a Cargo Container for Temporary Use.
4. Cargo Containers shall not be used to store hazardous materials.
5. No Cargo Container shall be placed in a location or used in a manner which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.
6. No Cargo Container may be used as living quarters.
7. Cargo Containers associated with an approved building construction project shall be permitted to remain on-site until the approval of the lesser of the project's final building inspection or the expiration of the building permit.
8. No structural modifications may be made to Cargo Containers.
9. No livestock or pets may be stored in Cargo Containers.
10. No Cargo Container may block fire or emergency access to other buildings on the property.

D. Portable Storage Containers

1. Placement – Portable Storage Containers may be used in all zoning districts and shall adhere to the following restrictions and requirements:
 - a. No Portable Storage Container may be stacked on top of another or on top of any other object.
 - b. Portable Storage Containers shall not be used to store hazardous materials.
 - c. No electricity or plumbing may be run or connected to a Portable Storage Container.

d. No Portable Storage Container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.

e. No Portable Storage Container may be used for living quarters.

2. Time Limit

a. Portable Storage Containers shall be removed from the property within ninety calendar days from the date of initial placement. Property owners are allowed one additional ninety day period, annually.

b. In no event shall the use of a Portable Storage Container exceed one hundred eighty (180) days during any twelve-month period.

c. Portable Storage Containers associated with an approved building construction project shall be permitted to remain on-site until the approval of the lesser of the project's final building inspection or the expiration of the building permit.

d. Portable Storage Containers may not be placed on a vacant lot, unless that lot is associated with an approved building construction project.

SECTION 2. VIOLATION.

The violation of this Ordinance shall be deemed to be a violation of Ordinance 100-07 and shall be punishable under the same terms and conditions of Section 3.02.F. FEES and 3.02.G. ADDITIONAL FEES as established by the Wells Township Board.

SECTION 3. SEVERABILITY AND REPEAL.

1. The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

2. All Ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. ENACTMENT, EFFECTIVE DATE AND CERTIFICATION.

1. The effective date of this Ordinance is ordered to be given effect seven (7) days after the date of publication.

2. The undersigned Supervisor and Clerk of the Township of Wells hereby certify that this Ordinance Amendment was duly adopted by the Wells Township Board at a meeting held on the 14th day of March, 2024 and was published in the Tuscola County Advertiser on the 20th day of March, 2024.

Karen Varney, Supervisor

Bonnie Hergenreder, Clerk