

**CITY OF SYLVAN LAKE
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. 348

AN ORDINANCE TO AMEND THE CITY OF SYLVAN LAKE CODE OF ORDINANCES, CHAPTER 78, "ZONING," ARTICLE VI, "SUPPLEMENTARY DISTRICT REGULATIONS," SECTION 78-613, "FENCES AND SCREENING," IN ORDER TO REVISE THE REGULATIONS REGARDING CONSTRUCTION AND MAINTENANCE STANDARDS, PROHIBITED FENCING, AND FENCES IN SINGLE-FAMILY RESIDENTIAL DISTRICTS.

THE CITY OF SYLVAN LAKE ORDAINS:

Section 1 of Ordinance. Ordinance Amendment.

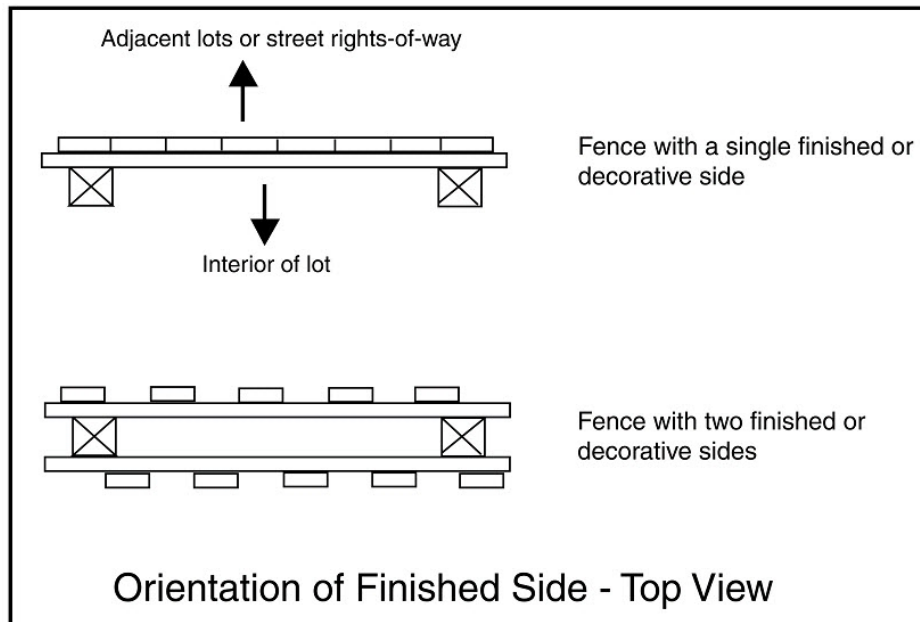
The Sylvan Lake City Code, Chapter 78, "Zoning," Article VI, "Supplementary District Regulations," Section 78-613, "Fences and Screening," is hereby amended to read as follows:

Sec. 78-613. - Fences and screening.

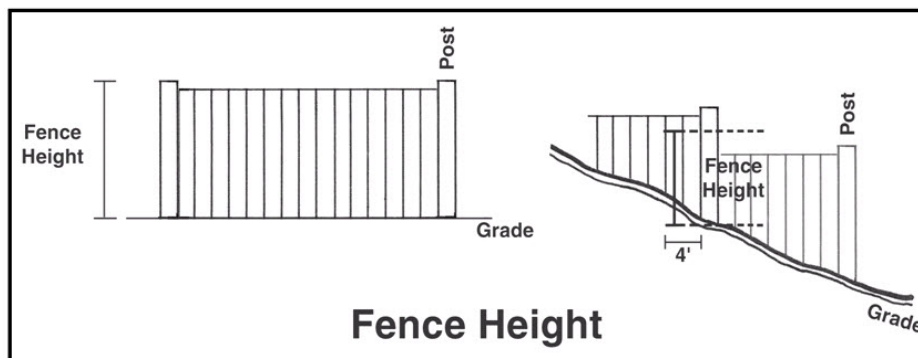
(a) *General requirements.*

- (1) *Construction and maintenance.* Fences shall be securely constructed in conformance with this section and all applicable building codes and shall consist of materials that are found by the building official to be durable and weather-resistant. Masonry piers may be used as part of a fence installation with the approval of the building official. Fences shall be maintained in good order, painted, rust-proofed or otherwise protected against damage and decay, so as to present an orderly appearance. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any material capable of providing habitat for pests or vermin.
- (2) *Hazards.* Fences shall not be erected within public rights-of-way, or any corner clearance area as described in section 78-608 (obstruction to vision on corner lots).
- (3) *Location.* Fences shall be located completely within the boundaries of the lot to which they are associated.
- (4) *Site drainage and utilities.* Fences shall not be erected in a manner that obstructs the free flow of surface water or causes damage to underground utilities.
- (5) *Orientation of finished side.* Where a fence has a single finished or decorative side, it shall be oriented to face outward towards adjacent parcels or street rights-of-way (away from the interior of the lot to which the fence is associated). Finished side being the side of the fence opposite to the side that contains or from which can be seen supporting posts and/or rails and beams. If a fence is erected that the posts can be seen from both sides with the fence in between, both sides shall be considered to be finished. In case of a privacy fence being installed immediately adjacent to (in front of) a neighboring fence, the fence may be installed with the

finished side facing inwards or towards the subject property except for those sections that will be in public view. Both of the examples given below are considered "privacy" fences and would not be allowed in side yard applications.



- (6) *Height.* Fence height shall be measured from the natural grade level to the highest point of the fence. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four feet of any fence-post.



- (b) *Single-family residential districts.*

1) In general:

- a. All fences in side yards shall be decorative in nature. Examples of a decorative fence include ornamental aluminum, wrought iron, wood, composite wood, or similar durable materials. All fences shall be of open design and shall not obscure more than 50 percent of the fence area, excluding posts.
- b. Where one side of a fence has more finished or decorative appearance than the other, the side with the more finished or decorative appearance shall face the road or adjacent lots.

- c. For purposes of this section, a rear yard fence may extend into the side yard only when no portion of the fence is located closer to the front lot line than the outermost rear corners of the principal building on each side, as visible from the public right-of-way, as determined by the building official.

2) Fences on Non-Lakefront properties

- a. Location. Fences may be constructed within a rear yard or side yard but are prohibited within the front yard. On a corner lot, the front yard or side yard abutting a street shall be considered as one (1) continuous front yard for the purpose of this section.
- b. Height. A fence in a rear yard may be a maximum of six (6) feet in height, even when extending into the side yard as permitted in 1.e., above. A fence in the side yard may be a maximum of four (4) feet.
- c. Setback. No fence shall be placed within three (3) feet of a principal dwelling on an adjacent property or within two (2) feet of a driveway on an adjacent property without written consent of said adjacent property owner.

3) Fences on Lakefront properties

- a. Location. On lots bordering upon a lake, river, or canal, fences are permitted in a side yard only.
- b. Height. The maximum height shall be four (4) feet.

4) Double-frontage lots

For purposes of this section, all lot lines of double frontage lots shall be considered front lot lines when adjacent to streets where existing buildings in the same block have frontage, and front yards shall be provided as required. Fences on such lots shall therefore be located only in a side yard.

- 5) Non-Conforming Fences. Existing non-conforming fences in single-family residential districts that extend into a front yard shall not be permitted to be replaced with a new fence. If such a fence is found to be a hazard, as determined by the building official, it shall be removed by the property owner within 30 days of notice.

- (c) *Multiple family residential district.* Fences in the R-3 multiple family residential district shall not exceed five feet in height above grade, and shall not be located in the front yard or in front of the front building line of the building(s).
- (d) *Public and institutional property.* Fences which enclose public or institutional property shall not exceed seven feet in height above grade, and shall not obstruct vision to an extent greater than 25 percent of their total areas. However, fences exceeding seven feet in height may be permitted if required for public safety and security purposes for an essential service facility, or as may be otherwise required by this section.
- (e) *Swimming pool fences.* Fences for swimming pools shall comply with all applicable swimming pool regulations, requirements of the State Construction Code, and as required per section 78-641(b) and (c). Swimming pool fences, including the gate, lock and fence, are subject to the approval of the building official.

- (f) *Storage area fences.* Fences are required in non-residential zoning districts for enclosing outside storage of goods, materials or equipment that are permitted by this chapter. Such fences shall not exceed six feet in height, shall be constructed of a decorative material in areas visible from public rights-of-way and are subject to review and approval by the building official.
- (g) *Prohibited fences.* The following fences are prohibited:
 - (1) *Barbed-wire.* Barbed-wire, razor-wire or electrified fences, except where, for the purpose of ensuring public safety, the planning commission may approve such fences as part of an approved site plan.
 - (2) *Wire fences.* Wire fences, except where such fences are associated with a farm animal or agricultural use.
 - (3) Wire woven (chain link) fences are prohibited in single-family residential districts.
- (h) *Permit required.* No person, firm or corporation shall construct or erect any fence, privacy screen or wall upon any land within the city without first having applied for and obtained a permit therefore from the city offices. A permit shall not be required for the following activities:
 - (1) Repairs to an existing conforming fence with no structural changes.
 - (2) The installation of gates or a new section of fence up to eight feet in length, when an existing conforming fence has been damaged due to natural or other causes, provided that such work is in compliance with the provisions of this section and all applicable building codes.
 - (3) Planting of continuous hedgerows or similar landscape features.
- (i) *Application.* The following information shall be provided with any permit application for a fence:
 - (1) *Plot plan and construction drawings.* A plot plan or lot survey shall be provided that includes the location of all existing and proposed fences, structures, easements and setback dimensions. An elevation sketch or photograph of the proposed fence shall also be provided, with appropriate dimensions noted.
 - (2) Written consent of all adjacent property owners if a fence or wall is proposed to be installed on a lot line.
- (j) *Removal of illegal or damaged fences.* Damaged or illegal fences shall be immediately repaired or removed by the property owner. Upon identification of a damaged or illegal fence, the building official shall order the property owner to remove such fences or make necessary repairs within 30 days. Upon failure of the property owner to take such actions within 30 days, the city may act to remove such fences at the expense of the property owner. The city may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.
- (k) *Appeals.* Any appeals from the provisions of this section or a decision of the building official can be made to the zoning board of appeals and is subject to the standards listed in section 78-89.

Section 2 of Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City Code in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect, and the Sylvan Lake Code of Ordinances shall remain in full force and effect, amended only as specified above.

Section 3 of Ordinance. Savings.

The amendments of the Sylvan Lake Code of Ordinances set forth in this ordinance do not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendments of the Sylvan Lake Code of Ordinances set forth in this ordinance.

Section 4 of Ordinance. Severability.

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this ordinance shall stand and be in full force and effect.

Section 5 of Ordinance. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect on the date provided by applicable law following publication.

Section 6 of Ordinance. Date and Publication.

This Ordinance is declared to have been enacted by the City Council of the City of Sylvan Lake at a meeting called and held on the 12th day of February 2020, and ordered to be given publication in the manner prescribed by law.

Ayes: Lorenz, Salemi, Zubrzycki
Nays: None
Abstentions: None
Absent: Cassar, Clarke

[illegible]

I, the undersigned, the qualified and acting City Clerk of the City of Sylvan Lake, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Sylvan Lake at a meeting held on the 12th day of February, 2020, the original of which is on file in my office.

Dennise Dryden, City Clerk
City of Sylvan Lake