

CITY OF SYLVAN LAKE
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. 298
ZONING TEXT AMENDMENT

AN ORDINANCE TO AMEND CHAPTER 78 OF THE SYLVAN LAKE CITY CODE, ZONING CHAPTER, ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS, TO AMEND SECTION 78-613. FENCES, PLANTINGS, WALLS, SCREENING AND DECORATIVE FEATURES, IN ITS ENTIRETY AS HEREINAFTER PROVIDED.

THE CITY OF SYLVAN LAKE ORDAINS:

Section 1.

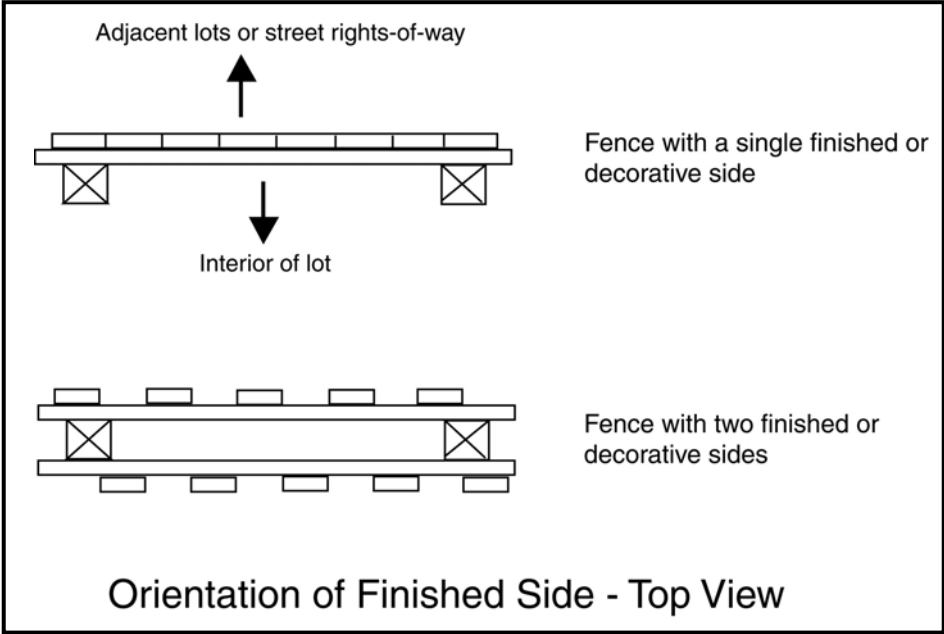
CHAPTER 78 OF THE SYLVAN LAKE CITY CODE, ZONING CHAPTER, ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 78-613. FENCES, PLANTINGS, WALLS, SCREENING AND DECORATIVE FEATURES, IS AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

Section 78-613. Fences and screening.

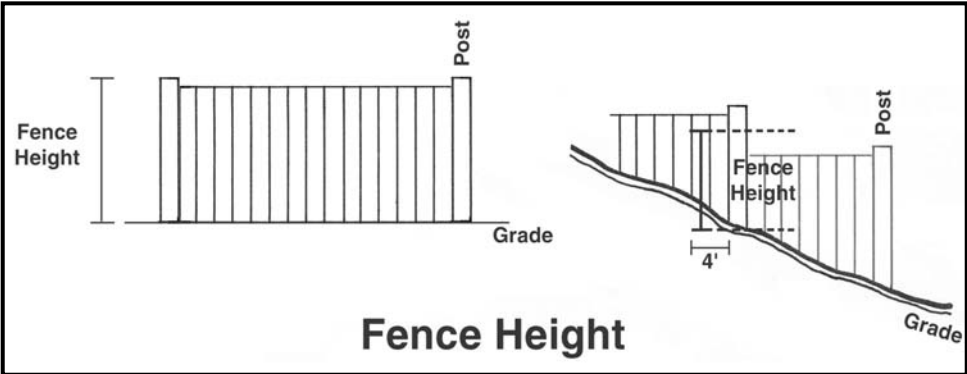
a. General requirements

1. Construction and maintenance. Fences shall be securely constructed in conformance with this Ordinance 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. Chain link type fences are strongly discouraged.
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 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 (4') of any fence-post.



b. Single Family Residential Districts

Fences in single family residential districts are subject to the following requirements:

1. Fence placement and height are restricted as follows

Chain Link fences

- Chain link fences may not exceed four (4) feet in height at any time and are only allowed in the rear yard.

Rear Yard

- Shall not exceed six (6) feet in height including posts.

Side Yard

- Shall not exceed four (4) feet in height..
- Shall not be within three (3) feet of a primary structure on neighboring property without written consent from the neighboring property owner.
- Shall be of open design such as aluminum, wrought iron, composite wood or similar durable material..
- Shall be of a uniform, decorative design, obscuring less than roughly 50% of the fence area excluding posts.

Side Yard with Shared Driveway or two (2) feet of Neighbor's Driveway

- A letter signed by both property owners approving the installation of a fence on a shared driveway must be submitted with the fence permit application.
- Shall follow the same requirements for Side Yard fences stated above.

2. Fences shall not extend toward the front lot line farther than the front of the house, defined as that part of the house closest to the side lot line adjacent to the fence line. The front of the house will not include porches, patios, decks or open steps. The front lot line shall mean the line of said property abutting on the street, or in case of a lot abutting on more than one street, the boundary of said property fronting on the same street with other adjoining lots of similar shape and size and parallel thereto, shall be deemed the front thereof.
- ~~3.~~ Existing non-conforming fences in single-family residential districts that extend towards the front lot line beyond the front of the residence as described above, and are in a state of disrepair, shall not be permitted to be replaced with a new fence.
4. On corner lots in single-family residential districts with a common rear yard relationship within the block, non-conforming fences extending beyond the front of the residence and in a state of disrepair shall not be permitted to be replaced.
- ~~5.~~ In the case of lake lots, fences will not be allowed in either front yard. A fence may be installed in the side yard following the restrictions stated above.

6. Privacy screens shall be permitted in the single-family residential districts, provided the privacy screen shall be:
 - (i) Limited in height to six (6) feet above grade;
 - (ii) Limited to enclosure of an area on three (3) sides only;
 - (iii) Limited in length to a length or perimeter that does not exceed twenty-five (25) percent of the lot line perimeter which is located to the rear of the principal building.

c. Multiple Family Residential District

Fences in the R-3 Multiple Family Residential District shall not exceed five (5) 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 (7) feet in height above grade, and shall not obstruct vision to an extent greater than twenty (25) percent of their total areas. However, fences exceeding seven (7) 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 Ordinance.

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 ordinance. Such fences shall not exceed six (6) 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.

h. Permit Required

No person, firm or corporation shall construct or erect any fence, privacy screen or wall upon any land within the City of Sylvan Lake 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.

The installation of gates or a new section of fence up to eight feet (8') 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 Ordinance 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.

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 thirty (30) days. Upon failure of the property owner to take such actions within thirty (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.

h. 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. Conflicts.

If any portion of the City of Sylvan Lake Zoning Ordinance conflicts with this amendment to the regulations, the most restrictive provision shall be applied.

Section 3. Severability.

Should any section or part of this ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts of this ordinance.

Section 4. Effective Date.

The provisions of this ordinance are hereby ordered to take effect ten (10) days after enactment.

Section 5. Enactment.

This Ordinance was enacted by the City Council of the City of Sylvan Lake at a meeting duly called and held on the 12th day of August, 2009.

Yes: Shepp, Zubrzycki, Lorenz, Maurina
No: None
Abstentions: None
Absent: Wiegand

Adopted: 08/12/09
Published: 08/26/09
Effective: 08/22/09
Posted: 08/12/09
Locations: City Hall, Community Center, Ferndale Park

I, Dennise Clippert, City Clerk for the City of Sylvan Lake, Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of Sylvan Lake at a Regular City Council Meeting, held on August 12, 2009 the original of which is on file in my office.

Date: _____, 2009

Dennise Clippert, City Clerk