

ARTICLE 15 GENERAL PROVISIONS

SECTION 15.100 ACCESSORY STRUCTURES AND USES

Section 15.101 Accessory Structures.

The following shall apply to all new accessory structures in the City, except as otherwise permitted in this Ordinance, and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

A. Detached Accessory Structures.

The following additional standards shall apply to accessory structures not attached to a principal building in any zoning district:

1. **Height and setback standards.** Detached accessory structures in any zoning district shall conform to the maximum height and minimum front, side, and rear yard setback requirements specified in Article 4 (Dimensional Standards), except where otherwise permitted in this Section.
2. **Corner lots.** Detached accessory structures located on a corner lot that face the primary street frontage where the front entrance or front porch is located shall be set back behind the front building line of the principal building. Detached accessory structures that face the secondary street frontage of a corner lot shall not extend into the required front yard setback area.
3. **Easements or rights-of-way.** Accessory structures shall not be located within a dedicated easement or right-of-way.
4. **Vehicle shelters.** Temporary or permanent vehicle shelters shall be considered accessory structures, and shall comply with the requirements of this Section.
5. **Additional standards for residential accessory structures.** The following standards shall apply to all detached structures accessory to RESIDENTIAL USES:
 - a. Such accessory structures shall be set back behind the front building line of any principal building on the same lot and shall be set back a minimum of ten (10) feet from any principal building.
 - b. The ground floor area of an accessory structure accessory to a single-family or two-family dwelling shall not exceed the ground floor area of the principal dwelling.
 - c. Such accessory structures shall not exceed a maximum of 15 feet in height.

- d. Such accessory structures may be located in a required side or rear yard setback area, subject to the following:
 - (1) Such accessory structures shall not occupy more than twenty-five percent (25%) of a required rear yard.
 - (2) Such accessory structures shall be set back a minimum of three (3) feet from any side or rear lot line.

B. Attached Accessory Structures.

Accessory structures attached to a principal building shall conform to the standards for the principal building, as specified in Article 4 (Dimensional Standards).

C. Temporary Storage Structures.

Semi-trailers, shipping containers, and similar temporary storage structures shall be permitted to be placed on a lot in the GB, I-1 and I-2 Districts for a maximum period of 14 days per calendar year, except as follows:

- 1. Temporary storage structures shall be permitted at construction sites for the duration of any site plan or building permit approval.
- 2. Temporary storage structures shall be permitted in designated loading or outside storage areas in accordance with an approved site plan.

D. Approval Required.

It shall be unlawful for any person to construct or cause to be constructed any accessory structure upon any lot without having first obtained all necessary permits or approvals.

- 1. All accessory structures shall conform to the standards of this Ordinance.
- 2. Construction, alteration or relocation of such structures accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES and exceeding 120 square feet in floor area shall be subject to site plan approval per Section 12.01 (Site Plan Review).
- 3. Construction, alteration or relocation of such structures accessory to RESIDENTIAL USES and exceeding 100 square feet in floor area shall be subject to zoning permit approval per Section 1.06 (Zoning Permits).
- 4. Construction, alteration or relocation of accessory structures shall be subject to building permit approval where required by the State Construction Code enforced by Sanilac County.

Section 15.102 Fences.

All fences and similar enclosures shall conform to the following:

A. General Standards.

The following shall apply to fences in all zoning districts:

1. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
 - a. Barbed or electric wire fences shall be permitted accessory to permitted public utility facilities and essential service uses in any zoning district.
 - b. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.
 - c. Wire cradles shall consist of no more than three (3) strands of wire, and shall overhang into the lot it is intended to protect.
2. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin.
3. Where one side of a fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the road or adjacent lots (see illustration).
4. Fence height shall be measured from ground level adjacent to the highest point of the fence.
 - a. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted.
 - b. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

B. Fences in Front Yards.

Fences located within the required front yard or between the front building line of the principal building and the front lot line or street right-of-way shall be subject to the following:

1. Fences in the front yard shall not exceed four (4) feet in height, except for wrought iron and where otherwise permitted by provisions of Article 5 (Use Standards) for a specific use.
2. Fences shall comply with the unobstructed sight distance standards of Section 4.209 (Corner Clearance Areas).

3. Ornamental fences and rail fences, as defined in Section 19.02 (Definitions), shall be permitted in the front yard subject to the standards of this Section.
4. Privacy fences, as defined in Section 19.02 (Definitions), shall be set back behind the front building line of the principal building and outside of any front yard area. (see illustration on page 15-9)

C. Fences in Side or Rear Yards.

Fences located within any side or rear yard shall be subject to the following:

1. **Chain-link fences.** Chain-link fences, as defined in Section 19.02 (Definitions), shall not exceed five (5) feet in height, except where otherwise permitted by provisions of Article 5 (Use Standards) for a specific use.
2. **Ornamental fences.** Ornamental fences, as defined in Section 19.02 (Definitions), shall not exceed six (6) feet in height, except where otherwise permitted by provisions of Article 5 (Use Standards) for a specific use.
3. **Rail fences.** Rail fences, as defined in Section 19.02 (Definitions), shall not exceed five (5) feet in height.
4. **Privacy fences.** Privacy fences, as defined in Section 19.02 (Definitions), shall not exceed six (6) feet in height, except where otherwise permitted by provisions of Article 5 (Use Standards) for a specific use.

D. Parks and playground Fences.

Fences that enclose public parks, playgrounds or public landscaped areas shall not exceed eight (8) feet in height, and shall not obstruct vision to an extent greater than twenty-five percent (25%).

E. Nonconforming Fences.

Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this Section shall be considered nonconforming structures subject to the provisions of Article 16 (Nonconformities).

F. Maintenance.

Fences shall be maintained in good condition, so as not to endanger life or property. Such maintenance shall be the responsibility of the owner of the property on which the fence or wall is located. Rotten, crumbled or broken components shall be replaced, repaired or removed, and exposed surfaces shall be painted, stained or similarly treated. Failure to maintain a fence in conformance to the standards of this Section shall be deemed a violation of this Ordinance.

G. Approval Required.

It shall be unlawful for any person to construct or cause to be constructed any fence upon any lot without having first obtained all necessary permits or approvals.

1. Construction, alteration or relocation of any fence shall conform to the standards of this Ordinance.
2. Construction, alteration or relocation of fences accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES shall be subject to site plan approval per Section 12.01 (Site Plan Review).
3. Construction, alteration or relocation of fences accessory to RESIDENTIAL USES and exceeding ten (10) feet in length shall be subject to approval of a zoning permit by the Zoning Administrator per Section 1.06 (Zoning Permits).

Section 15.103 Swimming Pools, Spas, and Hot Tubs.

Outdoor swimming pools, spas, and hot tubs with a diameter exceeding twelve (12) feet, a depth exceeding four (4) feet or an area exceeding 100 square feet permanently or temporarily placed in, on or above the ground shall be permitted as an accessory structure in all zoning districts subject to the following:

1. Swimming pools, spas, and hot tubs shall be prohibited in the front yard area, or within any easement or right-of-way.
2. There shall be a minimum distance of not less than ten (10) feet between adjoining lot lines or alley right-of-way and the outside wall of the swimming pool, spa or hot tub.
3. There shall be a distance of not less than ten (10) feet between the outside wall of a swimming pool and any principal building on the same lot. This requirement shall not apply to spas or hot tubs.
4. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured and completely enclosed by a minimum four (4) foot high fence with a self-closing and latching gate.
 - a. Aboveground pool walls four (4) feet or more in height shall satisfy this requirement, provided that the pool ladder or steps shall be capable of being secured, locked or removed.
 - b. The Zoning Administrator may waive this requirement upon determining that the swimming pool, spa or hot tub is otherwise secured against unauthorized access.
5. No swimming pool shall be located directly under utility wires or electrical service leads. A minimum ten (10) foot horizontal setback shall be maintained from the pool perimeter to the vertical plane of the overhead wire.
6. A distance of at least three (3) feet horizontally must be maintained from a permanent pool to any sanitary sewer line or lead; and from any underground water, electrical, telephone, gas or other pipes and conduits, except for parts of the swimming pool system.

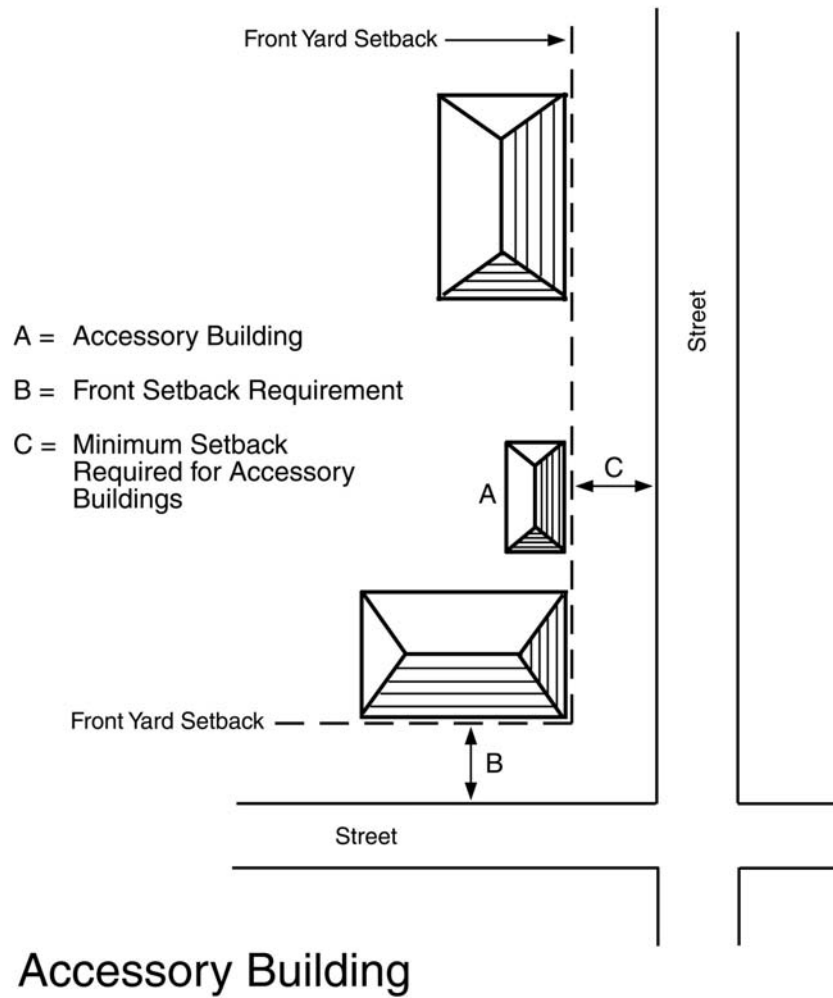
7. Swimming pools, spas, and hot tubs shall comply with all applicable provisions of the State Construction Code enforced by the Sanilac County and all requirements of the Sanilac County Health Department.
8. Construction, alteration or relocation of swimming pools, spas, and hot tubs shall be subject to approval of a zoning permit by the Zoning Administrator per Section 1.06 (Zoning Permits).

Section 15.104 Outdoor Wood Boilers

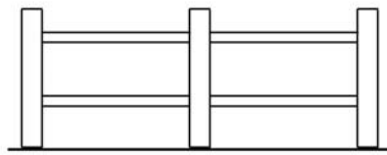
An outdoor wood boiler (OWB) is any furnace, stove, or boiler designed to burn wood, where the unit is not located within a building intended for habitation by humans or domestic animals. Outdoor wood boilers, or water stoves, typically look like a small utility building with a smoke stack, which are used to heat a home, farm building, swimming pools, hot tub, or to produce domestic hot water.

Outdoor wood boilers (OWB) generate undesirable and unhealthy particle pollution, including thick, acrid, foul smoke, soot, carbon monoxide, and other toxic air pollutants, which cause environmental degradation and health problems, and as such, shall be prohibited in all zoning districts.

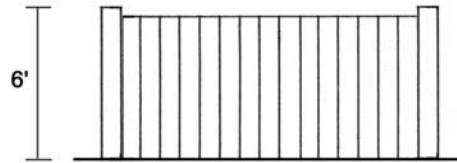
ILLUSTRATIONS



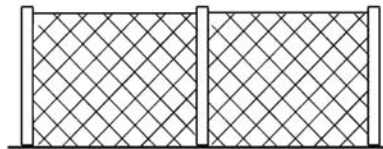
ILLUSTRATIONS



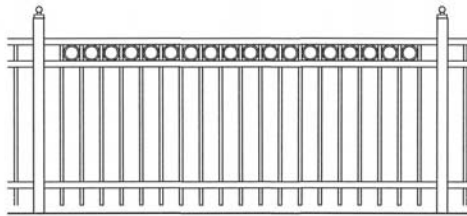
Rail Fence



Privacy Fence



Chain-link Fence

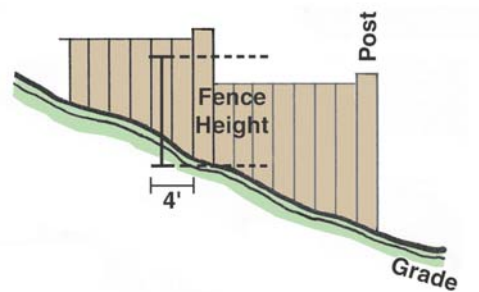
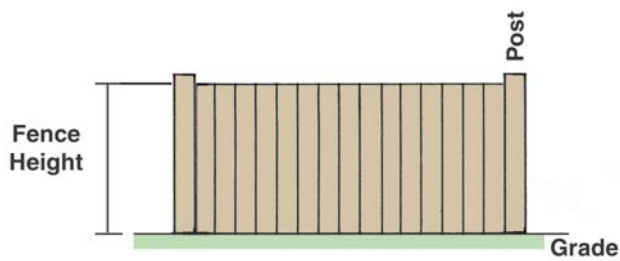


Ornamental Fence



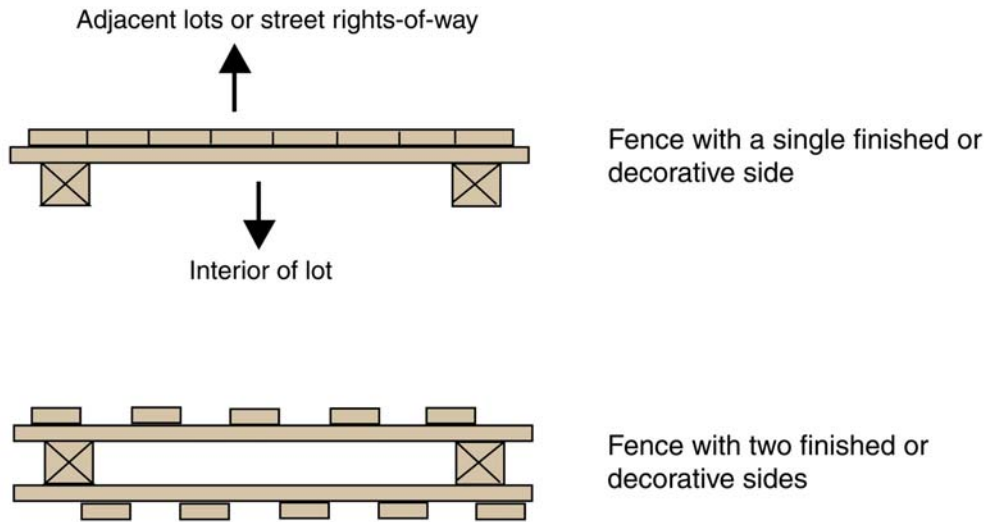
Ornamental Fence

Fence Examples

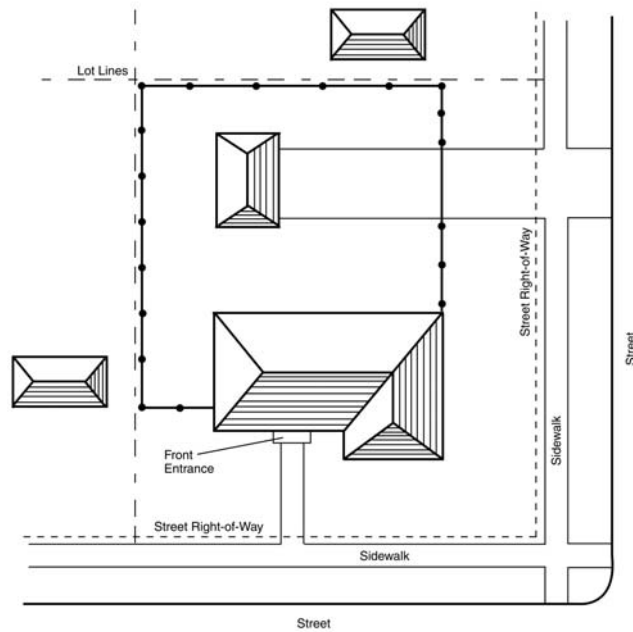


Fence Height

ILLUSTRATIONS



Orientation of Finished Side - Top View



Privacy Fence Location on Corner Lot

SECTION 15.200

OTHER PROVISIONS

Section 15.201 Open Parking and Storage.

The regulations set forth in this Section are intended to regulate the methods of storage, the types of materials that may be stored, and the accumulation of unusable, inoperable or unsightly motor vehicles, machinery or building materials that could be hazardous to the safety of children, encourage the propagation of rats or rodents or detract from the orderly appearance of the City.

A. Motor Vehicle Parking and Storage.

No motor vehicle shall be kept, parked or stored in any district zoned for residential use, unless the vehicle is in operating condition and properly licensed or is kept inside a building.

1. These provisions shall not apply to any motor vehicle ordinarily used but temporarily out of running condition.
2. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the Ordinance Enforcement Officer may grant the owner a period of up to 90 calendar days to secure a license.

B. Machinery and Building Materials Storage.

Unusable, rusty, nonfunctional or inoperable machinery, equipment, parts or building supplies not suited for use on the premises shall not be kept or stored outside of a building. Building materials intended to be used to improve the premises may be stored outside during the term of any site plan or permit approval, provided that such materials are piled off the ground so as not to become suitable environment for vermin.

C. Use of Vehicles for Storage.

Motor or recreational vehicles, cargo trailers, tankers, semi-trailers, and other vehicles shall not be used for storage purposes, except as permitted under Section 15.101 (Accessory Structures).

Section 15.202 Access Through Yards.

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Any walk, terrace or other pavement serving a like function and not in excess of nine (9) inches above grade shall be permitted in any required yard and not be considered to be a structure.

Section 15.203 Property Maintenance.

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

Section 15.204 Property Between the Lot Line and Road.

The area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

Section 15.205 Voting Place.

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with any public election.

Section 15.206 Essential Services.

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the City and the following:

1. Such essential services shall be subject to federal, state, county, and local regulations and shall be consistent with the list of uses permitted in each zoning district.
2. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or City Ordinance.
3. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the City boundaries shall receive the review and approval, after a public hearing, of the Zoning Board of Appeals (ZBA). Such review of the ZBA shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers, and further, and shall consider injurious effects on adjacent lands, uses or the orderly appearance of the City.