

## ARTICLE 6 GENERAL PROVISIONS

### SECTION 6.100 ACCESSORY STRUCTURES AND USES

#### Section 6.101 Accessory Structures.

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

##### A. General Standards.

The following shall apply to accessory structures in all zoning districts:

1. **Timing of construction.** An accessory structure shall be constructed or established on a zoning lot concurrent with or after construction of establishment of the principal building or use on the same zoning lot.
2. **Zoning permit.** All accessory structures exceeding 100 square feet in floor area shall be subject to approval of a zoning permit, per Section 1.06 (Zoning Permits).
3. **Vehicle shelters.** Temporary or permanent vehicle shelters shall be considered accessory structures, and shall comply with the requirements of this Section.
4. **Location in proximity to easements or rights-of-way.** Accessory structures shall not be located within a dedicated easement or right-of-way.

##### B. Attached Accessory Structures.

Accessory structures attached to a principal building shall conform to the minimum required yard setbacks specified in Article 4 (Dimensional Standards).

##### C. Detached Accessory Structures.

Accessory structures not attached to a principal building shall be subject to the following:

1. **Front yard.** Detached accessory structures in any zoning district shall conform to the minimum required front yard setbacks specified in Article 4 (Dimensional Standards).
2. **Side and rear yards.** Detached accessory structures in any zoning district shall conform to the minimum required side or rear yard setbacks specified in Article 4 (Dimensional Standards).

3. **Corner lots.** If an accessory structure in any zoning district is located on a corner lot where the side lot line is a continuation of the front lot line of the lot to its rear, then the accessory structure shall not project beyond the front yard setback for the lot in the rear of such a corner lot.
4. **Additional standards for residential accessory structures.** The following standards shall apply to all detached structures accessory to non-farm RESIDENTIAL USES in the R-1 (Rural Residential) and R-2 (Urban Residential) Districts:
  - a. Such accessory structures shall not exceed 15 feet in height.
  - b. Such accessory structures shall not be erected in any required yard, except a rear yard.
  - c. An accessory structure may occupy not more than twenty-five percent (25%) of a required rear yard, plus forty percent (40%) of any non-required rear yard.
  - d. The gross floor area of such accessory structures shall not exceed the ground floor area of the principal dwelling.
  - e. Such accessory structures shall be set back a minimum of ten (10) feet from any principal dwelling and a minimum of five (5) feet from any side or rear lot line.

## **Section 6.102 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. View obstructing fences over four (4) feet in height shall be set back outside of any required front yard setback area, and a minimum of 25 feet from any road right-of-way.
2. 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 ANIMAL AND AGRICULTURAL USES, 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.
3. 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.

4. Fences shall comply with the unobstructed sight distance standards of Section 4.304 (Corner Clearance Areas) and shall not be erected in any required R-O-W.
5. 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).

**B. Exceptions.**

Fences accessory to ANIMAL AND AGRICULTURAL USES, fences on recorded lots having a lot area in excess of five (5) acres and a frontage of at least 200 feet, and fences on parcels not included within the boundaries of a recorded plat in all residential districts, shall be excluded from these regulations unless adjacent to a residential district.

**C. Height.**

Fence height shall be measured from ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted. 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).

1. No fence located within the front yard shall exceed four (4) feet in height.
2. Fences in non-residential zoning districts shall not exceed six (6) feet in height, except where otherwise permitted by this Ordinance.
3. Fences on all lots of record in all residential districts which enclose property or are within a side or rear yard shall not exceed six (6) feet in height, and shall not extend toward the front of the lot nearer than the front of the house.
4. Fences that enclose public or institutional 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%) of their total area.
5. Fences that enclose a "cervid" facility (i.e. housing deer, elk, and other animals) will be constructed to current DNR Standards and comply fully with all requirements of the State for the operation of the facility.

**D. 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 in Residential districts.

Any fence which, through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed a nuisance, and the Code Enforcement Officer shall notify the owner of the property upon which the fence is located of the existence of such a nuisance. Such nuisances shall be abated within 30 days after receipt of such notice.

**E Existing 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 Approval Required.**

It shall be unlawful for any person to construct or cause to be constructed any fence upon any property within the Township limits without having first obtained all necessary permits or approvals.

1. 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).
2. Construction, alteration or relocation of fences accessory to RESIDENTIAL USES shall be subject to approval of a zoning permit by the Zoning Administrator per Section 1.06 (Zoning Permits).

**Section 6.103 Swimming Pools, Spas, and Hot Tubs.**

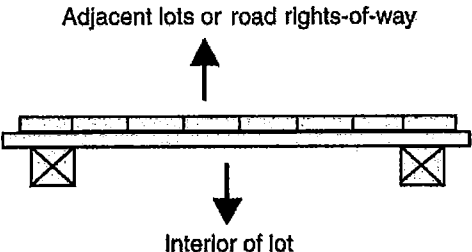
Outdoor swimming pools, spas, and hot tubs constructed in, on or above the ground shall be permitted as an accessory use within the rear yard or side yard in all zoning districts subject to the following:

1. No swimming pool shall be located in the front yard area, or any easement or right-of-way.
2. No swimming pool wall shall be located less than 35 feet from any road right-of-way line or any existing dwelling unit on abutting property.
3. There shall be a minimum distance of not less than ten (10) feet between adjoining property lines, or alley right-of-way and the outside of the swimming pool wall. The required side yard setback shall apply if greater than ten (10) feet.
4. There shall be a distance of not less than ten (10) feet between the outside swimming pool wall and any building located on the same lot.
5. No swimming pool shall be located in an area designated for the replacement of an on-site sewage disposal system, or where its operation would interfere with an on-site sewage disposal system.
6. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured and completely enclosed by a minimum six (6) foot high fence with a self-closing and latching gate. Ladders or steps for aboveground pools shall be capable of being secured, locked or removed. The Building Official may waive this requirement upon determining that the swimming pool, spa or hot tub is otherwise secured against unauthorized access.

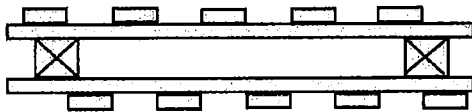
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7. No swimming pool shall be located directly under utility wires or electrical service leads.
8. Swimming pools, spas, and hot tubs shall comply with all applicable provisions of the State Construction Code enforced by the Township and all requirements of the Monroe County Health Department.
9. 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 106 (Zoning Permits).

# ILLUSTRATIONS

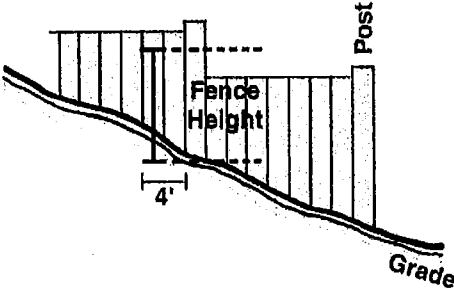
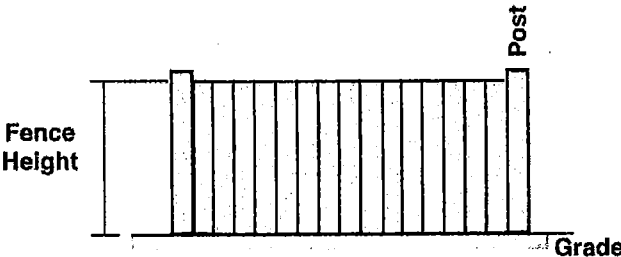


Fence with a single finished or decorative side



Fence with two finished or decorative sides

## Orientation of Finished Side - Top View



## Fence Height