

ZONING ORDINANCE
VILLAGE OF OTTER LAKE

ORDINANCE NO. 100

AN ORDINANCE to regulate the use of land and buildings by dividing the Village of Otter Lake into districts; imposing regulations, prohibitions and restrictions governing the erection, construction, and reconstruction of structures and buildings; specifying the districts within which lands may be used for trade, industry, residence, and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating lot size, yards, and other open spaces; regulating the density of population; limiting congestion upon the public streets by providing for the off-street parking and loading of vehicles; establishing a Board of Zoning Appeals, and defining and limiting the powers and duties of said Board; and providing the means of enforcing said Ordinance and providing a penalty for violation thereof, in accordance with the authority and intent of Act 207 of the public Acts of 1921, as amended.

THE VILLAGE OF OTTER LAKE ORDAINS:

ARTICLE I

Section 1.01. This Ordinance shall be known and cited as the Otter Lake Village Zoning Ordinance.

ARTICLE II

Definitions

Section 2.01. For the purpose of this Ordinance, certain terms are herewith defined. Terms not herein defined shall have the meanings customarily assigned to them.

ACCESSORY BUILDING. A building related to the main use of the premises or to an accessory use.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the main use of the premises.

ALTERATIONS. Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.

BOARD OF ZONING APPEALS. The duly appointed Board of Zoning Appeals for the Village of Otter Lake.

BUILDABLE AREA. The build able area of a lot is the space remaining after the minimum set back requirements of this Ordinance have been complied with.

BUILDING. A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or personal property.

DWELLING, MULTIPLE. A building used or designed as a residence for three (3) or more families.

DWELLING, SINGLE FAMILY. An entire building, including a mobile home, designed for or occupied exclusively by one family.

DWELLING, TWO FAMILY. An entire building designed for or occupied by two (2) families.

DWELLING UNIT. Any house, building, mobile home, or portion thereof which is designed for or occupied as a residence or sleeping quarter for a person, persons, or family.

ERECTED. The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required to construct a building. Excavations, fill, or drainage shall be considered a part of erecting.

EXCAVATING. The removal of sand, stone, gravel or dirt from its natural location.

FACILITY. A business, industry, office, governmental operation, church, school, lodge, club or other non-residential entity.

FILLING. The depositing or dumping of any matter onto or into the ground.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The “floor area” of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the finished lot grade.

JUNK. Any motor vehicles, machinery, appliances, products, merchandise, scrap metals or other scrap materials that are deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

JUNK YARD. Any outdoor area used for the storage or abandonment of junk, or for the dismantling or abandonment of automobiles or other vehicles or machinery or parts thereof.

LOT OF RECORD. Any parcel of land, which is separately described in a document filed with the Lapeer County Register of Deeds.

MOBILE HOME. (Includes house trailer, trailer coach, and doublewide mobile homes). A dwelling unit designed for long-term occupancy and designed to be transported after fabrication on its own wheels as one or more units. This includes all units, which could be licensed as mobile homes under the provisions of state statute.

MOBILE HOME PARK. Any parcel of land which has been designed, improved, or used for the placement of three or more mobile homes for dwelling purposes.

SETBACK. The minimum distance between a building and the street right-of-way line or property line.

SIGN. Any device designed to inform, advertise or attract attention.

SIGN AREA. The total of the surface of one side of a sign, computed in square feet. The total shall be determined by multiplying the total height of the sign surface by the total width of the sign.

SIGN, PERMANENT. Any sign designed or intended to be placed on a parcel of land for more than six (6) months.

SIGN, TEMPORARY. Any sign designed or intended to be placed on a parcel of land for less than six months. Also any sign, which is not permanently attached to real estate in accordance with the construction requirements of the building code.

STRUCTURE. Anything constructed, erected, or placed on a parcel of land, which is permanently located on the ground or attached to something having a permanent location. This shall include mobile homes, pre-manufactured units, modular units, truck or bus bodies, and similar structures. Any structure located on the same premises for more than six months shall be deemed to be permanently located within the meaning of this definition.

SWIMMING POOL. The term “swimming pool” shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches.

VILLAGE COUNCIL. The duly elected or appointed village council of the Village of Otter Lake.

USE. The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied, maintained, or leased.

YARD. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

ARTICLE III

Scope

Section 3.01. **SCOPE.** No building or structure, or part thereof, shall hereinafter be erected, constructed, placed, altered, or moved; and no new use or change in use shall be made of any building, structure, or land, or part thereof; except in conformity with the provisions of this ordinance.

ARTICLE IV

Administration

Section 4.01. **ZONING ADMINISTRATOR.** The provisions of this ordinance shall be administered by a Zoning Administrator appointed by the Village Council. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Village Council may determine.

Section 4.02. ZONING COMPLIANCE PERMITS. A zoning compliance permit shall be acquired from the Zoning Administrator before any construction is undertaken or any structure is moved within the Village and before any change in the use of any land, structure, or building is undertaken.

- A. APPLICATION. A zoning compliance permit shall be applied for in writing on an application form provided by the Village.
- B. ISSUANCE. A zoning compliance permit shall be issued by the Zoning Administrator whenever the proposed use complies with the provisions of this ordinance and after any required approvals have been granted by the Village Council or Zoning Board of Appeals.
- C. PRIVATE COVENANTS. The Zoning Administrator shall not refuse to issue a zoning compliance permit due to violations of private covenants, agreements, or deed restrictions.
- D. REVOCATION. Any zoning compliance permit issued in error or pursuant to an application containing any false statements shall be void.
- E. FEES. The amount of any fees charged for zoning compliance permits or inspections shall be established by motion of the Village Council.

ARTICLE V

Zoning Districts

Section 5.01. DISTRICTS. The Village is hereby divided into the following zoning districts:

- R Residential
- C Commercial
- I Industrial

Section 5.02. MAP. The boundaries of the zoning districts are drawn upon the map attached to this ordinance and made a part hereof. The map shall be designated as the Otter Lake Village Zoning Map.

Section 5.03. **PRINCIPAL USES PERMITTED.** All uses of land or structures listed as principal uses permitted are permitted throughout the district under which they are listed. Any uses not expressly listed as “principal uses permitted” are prohibited in that district, unless they are listed as “uses permitted after special approval in the district”.

Section 5.04. **USES PERMITTED AFTER SPECIAL APPROVAL.** All uses of land or structures listed as “uses permitted after special approval” are permitted within the district under which they are listed, provided that Village Council approval has been granted pursuant to the provisions of Article XIII.

Section 5.05. **SITE PLAN REVIEW.** Whenever a building permit is required for the erection or structural alteration of any building (other than single-family dwellings, two-family dwellings, or buildings accessory thereto) a site plan shall be prepared and submitted to the Village Council for review pursuant to the requirements of Article XII.

Section 5.06. **AREA, SETBACK AND HEIGHT.** All uses of land or structures shall comply with the area, setback and height requirements of Article XI, for the zoning district in which they are located, unless different requirements are specified as a condition for a use permitted after special approval.

ARTICLE VI

R Single Family Residential District

Section 6.01. **PRINCIPAL USES PERMITTED.**

- A. Single family dwellings, subject to the requirements of Section 9.13.
- B. Publicly owned buildings, parks, and recreational facilities.
- C. Churches and cemeteries.
- D. Public or parochial schools and related educational facilities.
- E. Crop production.

- F. Buildings, structures and uses, which are accessory to any of the above, permitted uses.

Section 6.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Two family and multiple family dwellings.
- B. Home Occupations.
 - 1. The home occupation must be conducted entirely within an existing dwelling or existing accessory building.
 - 2. The home occupation shall involve no employees who reside off the premises.
 - 3. No external alterations or construction shall be undertaken for the home occupation.
 - 4. There shall be no outdoor storage of items involved in the home occupation.
 - 5. The home occupation shall be clearly incidental and secondary to the use of the premises as a dwelling place.
 - 6. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in a residential area.
- C. Hospitals, convalescent homes, and state-licensed residential facilities.
- D. Nursery schools and day care centers.
- E. Private clubs, lodges, or golf courses.
- F. Rooming houses, boarding houses, and tourist homes.
- G. Mobile home parks.
- H. Raising of Livestock, Poultry, or Rabbits.
 - 1. Any parcel of land on which livestock, poultry or rabbits are kept shall contain at least one (1) acre.

2. Adequate fencing and housing shall be constructed and maintained for the livestock, poultry or rabbits so that the animals are kept confined to the property at all times. Any such animal housing shall be located at least fifty (50) feet from the nearest property line.
3. Manure shall not be allowed to accumulate so as to cause any odor offensive to nearby residents.

ARTICLE V11

C Commercial District

Section 7.01. PRINCIPAL USES PERMITTED.

- A. Any retail business which sells or rents merchandise within a completely enclosed building.
- B. Personal service establishments such as restaurants, taverns, laundry-mats, barber shops, beauty shops, and dry cleaning establishments.
- C. Repair shops for consumer items such as watches, shoes, furniture and appliances.
- D. Professional and business offices.
- E. Financial institutions.
- F. Funeral homes and mortuaries.
- G. Indoor recreational establishments.
- H. Hotels, motels, lodge halls, private clubs, and auditoriums.
- I. Schools, churches, and publicly owned buildings or facilities.
- J. Buildings, structures and uses, which are accessory to any of the above, permitted uses.

Section 7.02. USES PERMITTED AFTER SPECIAL APPROVAL

- A. Open-air businesses such as drive-in theaters, racetracks, used car sales, farm machinery sales, fruit markets, or any retail business activities, which are conducted outside of an enclosed building.
- B. Repair or service facilities for automobiles, trucks, farm machinery, and similar equipment.

ARTICLE VIII

I Industrial District

Section 8.01. PRINCIPLE USES PERMITTED.

- A. Warehousing and storage within an enclosed building.
- B. Wholesale establishments.
- C. Laboratories.
- D. Manufacturing, compounding, processing, packaging, assembling or treatment of products.
- E. Tool and die shops.
- F. Truck terminals, railroad yards, or airports.
- G. Automobile or machinery repair facilities.
- H. Buildings, structures, and uses, which are accessory to any of the above, permitted uses.

Section 8.02. USUES PERMITTED AFTER SPECIAL APPROVAL.

- A. Junk yards completely enclosed by an obscuring wall or fence.
- B. Warehousing or storage facilities involving outside storage.

ARTICLE IX

GENERAL PROVISIONS

Section 9.01. CONFLICTING REGULATIONS.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance the provisions of the Ordinance shall govern.

Section 9.02. ROAD FRONTAGE.

Every dwelling shall be located on a lot or parcel, which shall front upon a public street.

Section 9.03. MOVING OF BUILDINGS OR STRUCTURES.

Any building or structure shall not be moved upon any premises in the Village until a building permit for such removal shall have been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance and the Village Building Code in the same manner as a new building or structure. No building or structure shall be moved to any site within the Village until the owner posted a cash deposit in an amount specified by the Village Council guaranteeing full compliance with the building permit and Village Ordinances.

Section 9.04. PUBLIC SERVICES.

Facilities provided by any utility company or by the Village government shall be permitted in all zoning districts. Facilities permitted by this section shall include transmission lines, sewers, mains, pumping stations, substations, towers poles, and related equipment. Any building erected shall be subject to the site plan review requirements of this Ordinance.

Section 9.05. OCCUPANCY OF STUCTURES OTHER THAN COMPLETED DWELLINGS.

Basements, garages, and accessory buildings shall not be occupied either temporarily or permanently as dwellings.

Section 9.06. FENCES.

The construction of any fence shall comply with the requirements of this section.

- A. Barbed wire fences and electric fences shall be permitted only to restrain livestock. Barbed wire cradles may be placed on top of fences enclosing public utility, municipal, commercial, or industrial buildings as deemed necessary in the interests of public safety.
- B. No fence, wall, or structure shall be erected, established or maintained on any corner lot, which shall obstruct the view of a driver of a vehicle approaching the intersection.

Section 9.07. PERFORMANCE STANDARDS.

No use otherwise allowed shall be permitted within any district, which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained.

- A. Smoke and/or Air Pollution Control. The emission of gases, smoke, dust, dirt, and fly ash should in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare.
- B. Open Storage. The open storage of junk, scrap materials, or other products shall be screened from view from public streets and from adjoining residential properties by an enclosure consisting of an obscuring fence not less the eight (8) feet in height. The type of fence shall be reviewed and approved by the Village Council prior to construction.

Section 9.08. SIGNS

- A. A building permit and site plan review by the Village Council shall be required for the erection, construction or alteration of any signs permitted under paragraphs G and H of this section.
- B. There shall be no flashing, oscillating or intermittent type of illumination on any sign. No moving parts shall be allowed on any sign.

- C. No sign shall overhang or encroach upon any public right-of-way.
- D. Temporary signs advertising real estate for sale or rent or directing the public to such real estate are permitted in all districts, provided that they are not larger than six (6) square in feet in area.
- E. Temporary signs are permitted in all districts, which advertise for sale either garden produce grown on the premises, or personal property owned by a resident of such premises; provided such personal property was not purchased for the purpose of resale. Such signs shall not exceed for (4) square feet in area.
- F. Signs advertising home occupations which have been given special approval by the Village Council shall be permitted providing said signs are not illuminated and do not exceed four (4) square feet.
- G. Signs advertising commercial, industrial, or other facilities located on the same parcel of land as the facility advertised shall be permitted subject to the following conditions:
 - 1. Any direct illumination for the sign shall be shielded from the view of persons on public road or adjacent properties.
 - 2. No more than one permanent sign shall be permitted for each facility.
 - 3. Permanent signs shall not exceed on hundred (100) square feet in sign area.
 - 4. No more than two (2) temporary signs shall be permitted at any one time for any facility.
 - 5. Temporary signs shall not exceed sixteen (16) square feet in area.
- H. Signs located on parcels of land separate from the facilities advertised on the signs shall be permitted only in the Commercial and Industrial zoning districts. Such signs shall not exceed thirty-two (32) square feet in sign area.
- I. Temporary signs advertising non-commercial public events shall be permitted in all zoning districts not to exceed sixty (60) days. Such signs shall not exceed thirty-two (32) square feet in sign area.

- J. Signs erected by the Village Council for public purposes shall be permitted in all zoning districts and shall be subject to no time or size limitations.
- K. Temporary signs promoting political candidates or election issues shall be permitted in all districts, provided that such sign shall not exceed thirty-two (32) square feet in area. No building permit or site plan review shall be required for such signs. All such signs shall be removed within ten (10) days after the election.

Section 9.09. SWIMMING POOLS

All swimming pools constructed in the Village shall comply with the following requirements.

- A. Building permit. An application for a building permit to construct a swimming pool shall include the name of the owner, the location of the pool, a plot plan showing the location of adjacent buildings, fencing, gates, and public utilities, specifications and plans to scale of pool walls, slope, bottom, walkway and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information affecting construction and safety features deemed necessary by the Building Inspector.
- B. Fence. All swimming pools shall be completely enclosed by a fence. All openings in any such fence shall be equipped with a self-closing, self-latching gate, which shall be securely locked when the pool is not in use. This requirement shall not apply to above-ground swimming pools which have walls which extend four (4) or more feet above the ground and which have an adequate means of preventing unsupervised access by small children.

Section 9.10. GREENBELTS.

- A. Whenever any property is developed for any use other than single family or two family residential, and the property borders any property zoned for residential, a greenbelt at least ten (10) feet in width along said borders shall be planted and maintained with evergreen trees so as to provide a suitable buffer.

Section 9.11. ZONING OF ANNEXED AREAS.

Whenever any land is annexed to the Village, said land shall be considered to be zoned Residential as of the date of annexation. If any other zoning classification is desired by the landowner, he shall petition for rezoning in the manner provided by the ordinance and state statute.

Section 9.12. YARD SALE.

No person shall operate or permit to be operated on his property any yard sale, except in compliance with the following requirements:

- A. No yard sale shall be conducted for more the four (4) days.
- B. No more than two (2) yard sales may be held during and calendar year.
- C. No yard sale shall be operated before 9:00 a.m. or after 9:00 p.m. on any day.
- D. Any temporary signs advertising the yard sale shall be removed within twenty-four (24) hours after the completion of the yard sale.
- E. For purposes of the Ordinance, the term “yard sale” shall mean any offering for sale of personal property in an area zoned for industrial use. The term “yard sale” shall include sales commonly known as “garage sales”, “porch sales”, “basement sales” and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a “yard sale”. Any sales, which are conducted as part of a permanent business enterprise on property, zoned for industrial or commercial use shall not be considered to be “yard sale” covered by this ordinance.

Section 9.13. SINGLE FAMILY DWELLINGS.

All single-family dwellings hereafter constructed or placed within the Village shall comply with the following minimum standards:

- A. Minimum Size. Each dwelling shall contain the minimum number of square feet specified in Article XII. Each dwelling shall be at least twenty-four (24) feet in width.

- B. FOUNDATION. Each dwelling shall be provided with adequate foundation supports and shall be securely anchored to the foundation. The foundation shall consist of either a concrete foundation extending at least 42 inches below grade and extending around the complete outside perimeter of the dwelling or else a six-inch thick cement slab having the same dimensions as the single family dwelling. If a cement slab is used, skirting consisting of brick, concrete blocks or masonry construction shall be constructed between the slab and the lower edge of the dwelling. Dwellings without basements shall be provided with vents to the crawl space and an access panel for utility hook-ups. Permanently attached steps or porches shall be constructed where elevation differential requires.
- C. Roof. Each dwelling shall be provided with a roof with no less than a 3-12 pitch. Each roof shall have an eave or overhang of no less than eight (8) inches on all sides.
- D. Storage Facilities. Each dwelling shall have either a basement, garage or storage building containing at least 200 square feet of storage area. Said storage shall be constructed and available for use within one year of the date of issuance of the building permit for the dwelling.
- E. Smoke Alarms. Each dwelling shall contain at least two (2) smoke alarms.
- F. Code Compliance. Prior to the construction or placement of any dwelling within the Village, a zoning compliance permit and building permit shall be obtained from the Village. All dwellings shall comply with the provisions of the building, plumbing, electrical and mechanical codes. Any mobile home placed in the Village shall bear a seal indicating that it has been inspected and approved by the Michigan State Construction Code Commission.

ARTICLE X

NON-CONFORMING LOTS, USES, AND STRUCTURES

Section 10.01. CONTINUED USE PERMITTED.

Within the districts established by this Ordinance there exist lots, structures, and uses of land and structures, which were lawful prior to adoption of the Ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Non-

conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited in the district.

Section 10.02. NON-CONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot or parcel of record at the effective date of adoption or amendment of this Ordinance, provided the width, depth, and area is not less than one-half (1/2) of that required by this ordinance. The purpose of this provision is to permit utilization of recorded lots, which lack adequate width, depth, or area, as long as reasonable living standards can be provided.

Section 10.03. NON-CONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming structure may be enlarged or altered in a way, which increases its non-conformity.
- B. Should such non-conforming structure be destroyed by any means to an extent of more than 75% its value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved off the parcel of land on which it was originally located, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 10.04. NON-CONFORMING USES.

Where at the time of passage of this Ordinance lawful use of land or structures exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land or additional structures than that occupied at the effective date of adoption or amendment of this Ordinance.

- B. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) months any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
- E. Any non-conforming use may be extended throughout any parts of a building, which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

**ARTICLE XI
AREA, SETBACK, AND HEIGHT REQUIREMENTS**

Zoning District	Minimum Lot Area Per Dwelling or Commercial Industrial Building	Minimum Lot Width (in feet) (1)	Minimum Front Yard Setback (in feet) (2)	Minimum Side Yard Setback (in feet)	Minimum Rear Yard Setback (in feet)	Minimum Floor Area Per Dwelling (in sq. feet)	Maximum Building Height (in feet)
R	8000 (3)	80	25	10	25	800 (4)	25
C	20,000 (5)	100	35	20	35	-	50
I	43,560	150	50	20	35	-	50

- (1) Measured at Minimum front yard setback line.
- (2) Measured from road right of way line.
- (3) In the case of multiple family dwellings, there shall be no less than 3,630 square feet of lot area for each dwelling unit within the building.
- (4) All minimum square feet per dwelling unit in two-family and multiple family dwellings shall be 600 square feet and shall be increased by 100 for any additional bedroom beyond the first bedroom.
- (5) All minimum requirements in the C Commercial District may be modified or waived by the Board of Zoning Appeals for developed on existing non-conforming lots in the established downtown area.
- (6) See Section 10.02 for reduced sizes and setbacks applicable to small lots existing prior to ordinance adoption.
- (7) The minimum setback from any lake shall be two hundred (200) feet.

ARTICLE XII

SITE PLAN REVIEW

Section 12.01. SCOPE

A site plan shall be prepared and submitted for every construction project requiring a building permit; except that no site plan shall be required for single-family or two-family residences, buildings which are accessory to such residences, or construction which only involves repairing an existing building.

Section 12.02. PROCEDURE.

All site plans shall be submitted first to the Zoning Administrator, who shall review the plans for compliance with the requirements of the zoning ordinance. The Zoning Administrator shall then refer the site plan to the Village Council for review and decision. Once a site plan is approved by the Village Council, it shall not be altered without the consent of the Village Council.

Section 12.03. CONTENT.

Each site plan shall include the following:

- A. Area of the site in acres.
- B. Date, north point, and scale.
- C. Dimensions of all property lines.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within 100 feet of the property lines.
- E. Location and dimensions of all existing and proposed roads, driveways, sidewalks, and parking areas.
- F. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage.
- G. Location, dimensions and details of proposed plantings and greenbelt and landscaped areas (subject to requirements of Section 9.10).
- H. Exterior drawings of proposed new buildings or major additions to existing buildings.

- I. Location, dimensions, and drawings of the existing and proposed signs (subject to requirements of Section 9.08).
- J. Name, address, and telephone number of the person who prepared the site plan.

Section 12.04. STANDARDS.

In determining whether to approve, modify, or deny a site plan, the Village Council shall consider the following:

- A. Adequacy of traffic ingress, egress, circulation, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.
- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.
- D. Adequacy of storm drainage.
- E. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse effects on the community environment.

Section 12.05. BOND

A cash or surety bond shall be posted with the Village as a guarantee that the project will be completed in accordance with the approved site plan. Upon the completion of the project in accordance with the approved site plan, the bond shall be released. The amount of the bond shall be determined by the Village Council based upon the size and nature of the project.

ARTICLE XIII

USES PERMITTED AFTER SPECIAL APPROVAL OF THE VILLAGE COUNCIL

Section 13.01. APPLICATION.

For all uses permitted after special approval, a written application shall be submitted to the Village Council. Such application shall contain a description of the proposed use, a legal description and street location of the property on which the proposed use would be located, the signature of the property owner, the signature of the petitioner (if different from the property owner), and a scale drawing of the site. The scale drawing shall show existing

and proposed buildings, driveways, points of ingress and egress, parking areas, fencing, landscaping, signs, and road right of ways.

Section 13.02. HEARING.

Requests for uses permitted after special approval may be heard and decided at any regular or special meeting of the Village Council, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on uses permitted after special approval shall be sent and the person requesting special approval to owners and occupants of property within a minimum of 300 feet from the property lines of the property, which is the subject of the request for special approval. Notice shall be sent by regular mail and shall be sent to the property owners as show on the latest tax assessment roll. A notice shall also be published once in a local newspaper. All notices shall be given not less than 5 days nor more than 15 days prior to the hearing.

Section 13.03. STANDARDS.

Requests for uses permitted after special approval shall be granted or denied based on the following standards:

- A. The location, size, and character of the proposed use shall be in harmony with and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, or lighting.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

Section 13.04. DECISION.

The Village Council may deny, approve, or approve with conditions any request for a Use Permitted After Special Approval. The decision of the Village Council shall be incorporated in a statement containing the conclusions on which the decision is based and any conditions imposed. Any conditions imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

- B. Be related to the valid exercise of the police power, and purposes, which are affected, by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Section 13.05. EXPIRATION.

Village Council permission for a Use Permitted After Special Approval shall expire one year from the date of the meeting at which permission is granted unless the premises has actually been occupied by the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one year period.

ARTICLE XIV

BOARD OF ZONING APPEALS

Section 14.01. ESTABLISHMENT.

There is hereby established a Board of Zoning Appeals as authorized by Section 5 of Act 207 of 1921, as amended. The Otter Lake Village Council shall act as the Board of Zoning Appeals.

Section 14.02. APPEALS.

An appeal may be taken to the Board of Zoning Appeals by any person wishing to appeal any ordinance provision or any final decision of the Zoning Administrator. All appeals must be applied for in writing on forms provided by the Village. The Board of Zoning Appeals shall give notice of the hearing to the parties involved. The Board of Zoning Appeals shall also give notice to owners and occupants of property within a minimum of 300 feet from the property lines of the property which is the subject of the appeal. Notice shall be by regular mail and shall be sent to the property owners as shown on the latest tax assessment roll.

Section 14.03. POWERS

The Zoning Board of Appeals shall have the power to vary or modify any ordinance provision whenever there are practical difficulties or unnecessary hardships imposed on a property owner if the strict letter of the ordinance is carried out. The Board of Zoning Appeals shall decide appeals in such a manner that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

Section 14.04. DECISIONS

The Board of Zoning Appeals may require the appellant to provide such additional information as is necessary to make a decision. In making a decision, the Board of Zoning Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. No variance may be granted or decision overruled unless at least five members vote in favor thereof. Any variance shall expire six months from the date it is granted unless a building permit has been acquired and construction undertaken pursuant to the variance. The Board of Zoning Appeals shall state the grounds of each decision. Any conditions imposed by the Board of Zoning Appeals shall meet the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

ARTICLE XV

DIVISION OF EXISTING LOTS

Any lot, outlot, or other parcel in a recorded subdivision plat may be further partitioned or divided so as to total not more than four (4) parts which meet the following minimum requirements:

- A. The minimum size of any parcel of land created pursuant to this section shall be in accordance with the minimum requirements of the Zoning Ordinance, except when the dividing of such land is for the use of such divided land in conjunction with an adjoining parcel of land.
- B. This petitioner shall submit three (3) drawings of the proposed lot split prepared by a Registered Civil Engineer or Registered Land Surveyor. The survey must show all existing structures on the lot. The petitioner shall also provide proof of ownership of the lot or lots to be split.

- C. If the division of the parcel will result in a lot size less than the requirements of the Zoning Ordinance, the applicant shall submit an affidavit in form legally sufficient for recording with the Register of Deeds and signed by all persons who have any ownership interest in the parcel acknowledging that they understand that the divided parcel shall thereafter be used only in conjunction with adjoining parcel.
- D. Any such division shall be permitted only after a motion permitting such has been passed by the Village Council.

ARTICLE XVI

AMENDMENTS

The Village Council may, after a public hearing, amend the regulations or the district boundaries of the Ordinance pursuant to the authority and according to the procedures set forth in Act 207 of the Public Acts of 1921, as amended. Proposed amendments to the regulations or district boundaries of the Ordinance may be initiated by the Village Council or an individual petitioner. Whenever an individual petitioner requests a zoning amendment, he shall be the fee owner of subscribed to his petition, and shall submit a petition for rezoning to the Village Clerk. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit a fee as established by the Village Council with the Village at the time that the petition is filed to cover the publication and other miscellaneous costs of said change.

ARTICLE XVII

REPEAL OF PRIOR ORDINANCES

All former zoning ordinances and amendments thereto previously adopted by the Village of Otter Lake are hereby repealed in their entirety.

ARTICLE XVIII

VIOLATIONS

Section 18.01. PENALTY

Any person, firm, or corporation, or anyone acting in behalf of said person, firm or corporation, who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any of the regulatory measures or conditions of the Board of Zoning Appeals, or the Village Council, adopted pursuant hereto, shall upon conviction thereof be subject to a fine of not more than Five Hundred (\$500.00) dollars and court cost, or imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. Each day such violation continues shall be deemed a separate offense. The

imposition of any sentence shall not exempt the offender from compliance with the requirements of the Ordinance.

Section 18.02. NUISANCE PER SE

Any building or structure which used, erected, altered, razed, or converted or any use of any premises which is begun or changed subsequent to the passage of the Ordinance and in violation of any provision of the Ordinance, is hereby declared to be a nuisance per se.

ARTICLE XIX

SEVERABILITY

This Ordinance and the various articles, sections, paragraphs, sentences, and clauses thereof, are hereby declared to be severable. If any article, section paragraph, sentence or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

ARTICLE XX

ENACTMENT

Section 20.01. ORDINANCE ENACTED,

The provisions of this Ordinance are hereby enacted and declared to be necessary for the preservation of the public health, safety, and welfare of the people of the Village of Otter Lake.

Section 20.02. EFFECTIVE DATE.

This Ordinance shall become effective on the _____ day of _____, 1985.

Section 20.03. CERTIFICATION.

I, Nancy VanAmburg, Otter Lake Village Clerk, do hereby certify that this Ordinance is a true copy of that Ordinance duly adopted by the Otter Lake Village Council, at a meeting held on the _____ day of _____, 1985. I further certify that a notice of adoption of this Ordinance was duly published in the Lakeville Aerial on the _____ day of _____, 1985.

Nancy VanAmburg
Otter Lake Village Clerk