

## ARTICLE 3

### DISTRICT REGULATIONS

#### Section 3.1 Districts

The Village is hereby divided into the following zoning districts as shown on the official Zoning Map:

R-1	Single Family Residential - Rural
R-2	Single Family Residential - Medium Density
R-3	Single Family Residential
R-4	Single Family Residential - Attached
R-M	Multiple Family Residential
RMHC	Manufactured Home Community
C-1	Local Business
C-2	General Commercial
I-1	Light Industrial

In addition, the following shoreline protection overlay zone is established for the preservation and enhancement of surface water through regulation of uses and activities of land within one hundred (100) feet of the lake's shore and Butternut Creek.

WO	Waterfront Protection Overlay Zone
----	------------------------------------

#### Section 3.2 Map

The boundaries of these zoning districts are shown upon the map attached to and made a part of this Ordinance. The map shall be designated as the Village of Otter Lake Zoning Map. Zoning district boundary lines follow lot lines or the centerline of the streets, alleys, lakes, or such line extended and corporate limits of the Village as they existed at the time of the adoption of this Ordinance.

Questions concerning the exact location of zoning district boundary lines shall be determined by the Zoning Board of Appeals after recommendation from the Planning Commission, according to the rules and regulations which may be adopted by it.

#### Section 3.3 Vacated Streets and Other Public Spaces

When streets or other public spaces within the Village are vacated and the previous right-of-way becomes part of parcels adjacent to the vacated street, the newly vacated street property shall be deemed to be part of the same zoning district as the property to which it is attached.

### Section 3.4 District Regulations

Every building or structure erected, any use of land, building, or structure, any structural alteration or relocation of an existing building or structure and any enlargement of or addition to, an existing use of land, building or structure, and any creation or splitting of a lot, occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable within the zoning district in which such land use, building or structure shall be located.

1. Principal Uses Permitted - All uses of land or structures listed as principal uses permitted are permitted throughout the district under which they are listed, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning Commission for those uses requiring site plan approval under the procedures outlined in Article 9, Site Plan Review Requirements. Any uses not expressly listed as "Principal Uses Permitted" are prohibited in that district, unless they are listed as "Uses Permitted by Special Use Permit".
2. Uses Permitted by Special Use Permit - All uses of land or structures listed as "Uses Permitted by Special Use Permit" are permitted within the district under which they are listed, provided that Planning Commission approval has been granted in accordance with this Ordinance. Uses not specifically permitted within a district are prohibited.
3. Open space, off-street parking and other similar provisions required in connection with a particular use may not be used at the same time to meet the requirements for a separate use, unless specifically authorized by this Ordinance.
4. Area, Height, Setback and Placement Requirements - All uses of land or structures shall comply with the area, setback, and height requirements of the attached Schedule of Regulations, Section 3.12.
5. Design Standards - Some uses permitted in the zoning districts have required design standards as listed in Article 8.
6. Prohibited Uses - Use of any residentially zoned waterfront property for the purpose of providing access to such body of water for non-riparian property owners is prohibited.
7. Raising of livestock were permitted in the zoning districts have required standards as listed in Article 4 - Section 4.13.
8. A use of land, buildings, or structures not specifically mentioned in the provisions of this Ordinance shall be classified upon appeal by the Zoning Board of Appeals or by request of the Zoning Administrator. In making this determination, this Ordinance shall not interpret a general category (such as general commercial

uses) to include a specific use (such as convenience store) if the specific use is listed separately somewhere else under zoning district regulations.

### **Section 3.5 R-1 Single Family Residential - Rural**

The R-1 Single Family Residential - Rural zoning district is intended to conserve and protect the rural and open character of the townships surrounding the village and to provide a suitable environment for families typically with children. The principles of conservation planning/design are strongly encouraged for planned developments with this zoning district. Uses are typically limited to one (1) family dwellings, along with certain other uses with few traffic generators.

#### **A. Permitted Principal Uses**

1. Residential, single family detached
2. Adult foster care small group homes (1-6 persons)
3. Agriculture and horticulture (10 acre minimum)
4. Day care, adult (1-6 persons)
5. Day care homes (1-6) persons)
6. Foster family homes

#### **B. Permitted Accessory Uses: Accessory uses are only permitted if the associated principal use is already established on the lot.**

1. Home occupations
2. Horses, keeping of
3. Household pets, keeping of
4. Large livestock, keeping of (10 acre minimum)
5. Small livestock, keeping of (non-commercial, one (1) acre minimum)
6. Other accessory uses and/or buildings customarily incidental to the above permitted principal uses.

#### **C. Uses Permitted by Special Use Permit**

1. Adult foster care medium group homes (7-12 persons)
2. Bed and breakfast establishments
3. Campgrounds
4. Day care, adult (7-12 persons)
5. Day care homes (7-12 persons)
6. Kennels, commercial
7. Religious facilities
8. Residential, duplex developments
9. Stables and/or riding academies (10 acre minimum)
10. Veterinary clinics (5 acre minimum)

### **Section 3.6 R-2 Single Family Residential - Medium Density**

The R-2 Single Family Residential - Medium Density zoning district is intended to encourage a suitable environment for families typically with children. The principles of conservation planning/design are strongly encouraged for planned developments within this zoning district. Uses are typically limited to one (1) family dwellings, along with certain other uses, such as schools, parks and playgrounds, which provide a desirable neighborhood land use pattern with moderate density traffic generators.

#### **A. Permitted Principal Uses**

1. Residential, single family detached
2. Adult foster care small group homes (1-6 persons)
3. Agriculture and horticulture (10 acre minimum)
4. Day care, adult (1-6 persons)
5. Day care homes (1-6 persons)
6. Foster family homes

#### **B. Permitted Accessory Uses: Accessory uses are only permitted if the associated principal use is already established on the lot.**

1. Home occupations
2. Household pets, keeping of
3. Other accessory uses and/or buildings customarily incidental to the above permitted principal uses.

#### **C. Uses Permitted by Special Use Permit**

1. Adult foster care medium group homes (7-12 persons)
2. Bed and breakfast establishments
3. Campgrounds
4. Day care, adult (7-12 persons)
5. Day care homes, group (7-12 persons)
6. Educational facilities
7. Small livestock, keeping of (non-commercial, one (1) acre minimum)
8. Nursery schools and children day care centers
9. Parks
10. Public buildings
11. Religious facilities
12. Residential, duplex developments

### **Section 3.7 R-3 Single Family Residential**

The R-3 Single Family Residential zoning district is intended to maintain and encourage the traditional plotted grid pattern and to provide a suitable environment for families typically with children. Uses are typically limited to one (1) family dwellings, along with

certain other uses, such as schools, parks and playgrounds which provide a desirable neighborhood land use pattern. In keeping with this intent, development is restricted to a high-density single family residential development with medium density traffic generators.

A. Permitted Principal Uses

1. Residential, single family detached
2. Adult foster care small group homes (1-6 persons)
3. Day care, adult (1-6 persons)
4. Day care homes (1-6 persons)
5. Foster family homes

B. Permitted Accessory Uses: Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Home occupations
2. Household pets, keeping of
3. Other accessory uses and/or buildings customarily incidental to the above permitted principal uses.

C. Uses Permitted by Special Use Permit

1. Adult foster care medium group homes (7-12 persons)
2. Bed and breakfast establishments
3. Day care, adult (7-12 persons)
4. Day care homes, group (7-12 persons)
5. Educational facilities
6. Medical care facilities, small
7. Nursery schools and children day care centers
8. Parks
9. Public buildings
10. Religious facilities
11. Residential, townhouses, patio or row houses

**Section 3.8 R-4 Single Family Residential - Attached**

The R-4 Single Family Residential - Attached zoning district is intended to permit and relate the type, design and layout of attached and detached single family residential development to the particular site in a manner consistent with the preservation of the property values in established residential areas. It is specifically intended to increase the density of residences permitted over that of the single family detached residential zoning districts while maintaining the character of a single family residential area.

A. Permitted Principal Uses

1. Residential, single family attached
2. Residential, duplex
3. Residential, townhouse, patio or row houses
4. Residential, single family detached
5. Adult foster care small group homes (1-6 persons)
6. Adult foster care medium group homes (7-12 persons)
7. Day care, adult (1-6 persons)
8. Day care homes (1-6 persons)
9. Foster family homes

B. Permitted Accessory Uses: Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Home occupations
2. Household pets, keeping of
3. Other accessory uses and/or buildings customarily incidental to the above permitted principal uses.

C. Uses Permitted by Special Use Permit

1. Adult foster care large group homes (13-20 persons)
2. Assisted living facilities
3. Cemeteries
4. Day care, adult (7-12 persons)
5. Day care center, commercial
6. Day care homes, (7-12 persons)
7. Educational facilities
8. Medical care facilities, small
9. Parks
10. Public buildings
11. Religious facilities
12. Senior housing

### **Section 3.9 R-M Multiple Family Residential**

The R-M Multiple Family Residential zoning district is intended to permit a more intensive residential use of land with various types of attached single-family houses, townhouses, and apartments. These areas would be located near major roads for good accessibility and between single family residential area and other non-residential uses. **Various sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community.**

A. Permitted Principal Uses

1. Residential, apartments
2. Residential, townhouses, patio or row houses

3. Residential, single family attached
4. Residential, duplex
5. Residential, single family detached
6. Adult foster care small group homes (1-6 persons)
7. Adult foster care medium group homes (7-12 persons)
8. Assisted living facilities
9. Day care, adult (1-6 persons)
10. Day care homes (1-6 persons)
11. Foster family homes
12. Senior housing

**B. Permitted Accessory Uses**

1. Home occupations
2. Household pets, keeping of
3. Other accessory uses and/or buildings customarily incidental to the above permitted principal uses.

**C. Uses Permitted by Special Use Permit**

1. Adult foster care large group homes (13-20 persons)
2. Boarding houses
3. Day care, adult (7-12 persons)
4. Day care center, commercial
5. Educational facilities
6. Long term care facilities
7. Medical care establishments, small
8. Parks
9. Public buildings
10. Public utility buildings and uses
11. Religious facilities
12. Retirement communities, mixed use

**Section 3.10 RMHC Manufactured Home Community**

The RMHC Manufactured Home Community zoning district is intended to allow the development of a state-licensed manufactured housing community, or mobile home park that comply with the requirements of Public Act 96 of 1987, as amended. These areas would be located near major roads for good accessibility and between other family residential areas and non-residential uses.

**Section 3.11 C-1 Local Business**

The C-1 Local Business zoning district is intended to permit non-drive through business and service uses to service the Village and surrounding areas. The intent of this zoning district is to encourage the concentration of business uses in a compatible way within a central “downtown” location, mutually advantageous to both customers and merchants.

A. Permitted Principal Uses

1. Bakeries, retail
2. Bars, cocktail lounges, taverns, and nightclubs
3. Business service establishments
4. Clubs
5. Medical care facilities
6. Office establishments
7. Personal service establishments
8. Photography studios
9. Residential, apartments (in upper floors of commercial buildings)
10. Restaurants, conventional
11. Retail establishments
12. Service or repair establishments

B. Permitted Accessory Uses

1. Household pets, keeping of
2. Other accessory uses customarily incidental to the above permitted principal uses.

C. Uses Permitted by Special Use Permit

1. Arcade or video game rooms
2. Billiard halls
3. Dry cleaning facilities
4. Halls
5. Public buildings
6. Religious facilities

**Section 3.12 C-2 General Commercial**

The C-2 General Business zoning district is intended to permit a wider range of business, service, and entertainment uses than permitted in the local business zoning district. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading and would require more planning to integrate such zoning districts with adjacent residential areas.

A. Permitted Principal Uses

1. Ambulance stations, private
2. Bakeries, retail
3. Bars, cocktail lounges, taverns, and nightclubs
4. Bowling alleys
5. Business service establishments

6. Clubs and halls
7. Day care, adult (1-6 persons)
8. Day care, adult (7-12 persons)
9. Day care centers, commercial
10. Drive-thru establishments
11. Drive-in establishments
12. Funeral homes or mortuaries
13. Hotels and motels
14. Marine sales and service
15. Medical care establishments
16. Office establishments
17. Personal service establishments
18. Photography studios
19. Recreation, indoor and outdoor commercial
20. Restaurants, conventional, drive-in and drive-through
21. Retail establishments
22. Service and repair establishments

B. Permitted Accessory Uses

1. Other accessory uses and/or buildings customarily incidental to the above permitted principal uses.

C. Uses Permitted by Special Use Permit

1. Automobile (motor vehicle) dealerships
2. Automobile (motor vehicle) repair facilities
3. Automobile service stations
4. Contractor's establishments
5. Dry cleaning facilities
6. Long term care facilities
7. Medical care establishments
8. Public buildings
9. Public utility buildings and uses
10. Religious facilities
11. Rental and sales of automobiles and other motor vehicles
12. Residential, apartments (in upper floors of commercial buildings)
13. Veterinary clinics
14. Woodworking facilities, commercial

**Section 3.13 I-1 Light Industrial**

The I-1 Light Industrial zoning district is intended to provide locations for industrial operations which have low levels of offsite impact and to encourage and facilitate the development of industrial enterprises in a setting conducive to public health, economic stability and growth, protection from blight, deterioration, and non-industrial

encroachment, and efficient traffic movement including employee and truck traffic.

A. Permitted Principal Uses

1. Automobile (motor vehicle) dealerships
2. Automobile (motor vehicle) repair facilities
3. Automobile wash establishments
4. Industrial service establishments
5. Laboratories
6. Manufacturing establishments
7. Public utility buildings and uses
8. Research and development facilities
9. Storage facilities, indoors
10. Wholesale and warehousing
11. Woodworking

B. Permitted Accessory Uses

1. Other accessory uses and/or buildings customarily incidental to the above permitted principal uses

C. Uses Permitted by Special Use Permit

1. Contractor's establishments
2. Storage facilities, outdoors

**Section 3.14 WO Waterfront Protection Overlay Zone**

The WO Waterfront Protection Overlay zone is intended to provide for the preservation and enhancement of surface water through regulation of uses and activities of land within one hundred (100) feet of the lake's shoreline and Butternut Creek. The provisions of the waterfront overlay zone are intended to protect the unique and sensitive natural environment of the shore areas within the Village of Otter Lake.

Its purpose is based on the following recognitions:

- a) The economic and environmental well-being and health, safety, and general welfare of the Village of Otter Lake is dependent on, and connected with the preservation of its shoreline areas;
- b) The shoreline zone has unique physical, biological, economic, and social attributes;
- c) Future land development and redevelopment should not be conducted at the expense of these attributes;
- d) Property values will be enhanced when the natural features of the shoreline zone are preserved;
- e) Pollution, impairment or destruction of the shoreline area and the adjacent

bottomlands and waters should be prevented or minimized.

A. Allowable Uses

The uses allowed by the underlying zoning districts are not altered by the overlay. All allowable uses and uses permitted by special use permit allowed in the zoning districts of this ordinance shall comply with the standards set forth in this section regulating activity within the Waterfront Protection Overlay Zone. These requirements shall be considered in addition to use restrictions or other applicable regulations for each zoning district. These requirements only apply to properties that fall within the waterfront overlay district, as described above and shown on the zoning map.

In the event that regulations imposed by this section conflict with regulations of an underlying zoning district, the regulations established by this section shall prevail to the extent of the conflict and no further.

B. Waterfront Setback Requirements

To preserve natural resources, water quality and community scenic and recreational values, a waterfront setback shall be established and maintained on all waterfront property. All structures proposed to be built within the Waterfront Protection Overlay Zone shall be setback in accordance with the requirements below, except for the following uses: recreational docks, storm water and erosion control devices, picnic tables, benches, recreational watercraft, stairways and walkways, and an accessory building for the storage of water recreational equipment.

1. The setback area shall include all the land area within fifty (50) feet of the ordinary high-water mark of the lake or creek abutting or traversing the property in question. No structure shall be allowed within fifty (50) feet of the ordinary high-water mark.
2. Average Setback Line: If there are existing principal buildings within two hundred (200) feet on each side of a proposed building location within the district, a proposed building or structure may be located the same distance from the body of water as the average distance of the principal buildings located within two hundred (200) feet but shall be located no closer than fifty (50) feet. If there is an existing principal building within two hundred (200) feet on only one (1) side, the proposed building may be located the same distance from the body of water as the average of the distance of the principal building within two hundred (200) feet and the district setback of fifty (50) feet from the surface water feature.
3. Historical Setback Line: A proposed building or structure may be located the same distance from a body of water as either an existing principal

building that has suffered either loss or removal due to the casualty or demolition with one (1) year before the submission of an application for a building permit as long as such principal building is or was a lawful non-conforming building. For a demolition, the one (1) year period begins running when the demolition permit was issued. For a casualty, the one (1) year period shall run from the date of the casualty.

C. Development and Use Standard

Within the fifty (50) foot waterfront setback the following development or use restrictions shall apply:

1. No structure shall be allowed except for those stated above in paragraph B and decks complying with the following:
  - a) Decks, attached or free-standing.
  - b) Decks may also be constructed within the required waterfront setback area. Decks constructed with the required twenty-five (25) foot vegetative buffer zone shall not exceed, in size, thirty percent (30%) of the total square footage of the required vegetative buffer zone.
2. One (1) accessory building, maximum 100 square feet in size with 8 foot side walls shall be permitted to be located within the fifty (50) foot waterfront setback, but outside of the required twenty-five (25) foot vegetative buffer zone, for the storage of water recreational equipment (life vests, flotation devices, etc).
3. No dredging or filling shall be allowed except where permitted by state or federal law, with appropriate permits.
4. The use of asphalt, concrete, wood, or other similar non-porous surfaces shall be limited to walkways, four (4) foot wide maximum, or stairs necessary for water access. Walkways shall be designed to minimize and control the direct runoff of storm water into the lake or creek.
5. Slopes created by the grading of the site should generally not exceed a slope ration of one (1) foot of vertical slope to three (3) feet of horizontal distance. All slopes shall be properly stabilized to prevent erosion and destruction of the natural vegetation.
6. Natural drainage course shall be protected from grading activities.
7. Stairs, walkways, decks, and steps on embankments having a grade exceeding twelve percent (12%) must be constructed above grade. Steps may not be embedded into the ground surface. Height area requirements

apply to all areas within fifty (50) feet of the high-water mark.

8. Setbacks for septic systems must meet the minimum requirements set by the Genesee County Health Department. It is strongly encouraged that septic fields be located as far as possible from the shoreline of the lake or creek.
9. All dock and yard lighting shall be shielded and directed so as to prevent light and glare on adjoining properties.

#### D. Vegetative Buffer Zone Requirements

1. Within twenty-five (25) feet of the ordinary high-water mark, a natural vegetative strip shall be established and/or maintained on at least seventy percent (70%) of the shore frontage for new construction or any renovation that results in an increase of the structure's footprint by five hundred (500) square feet or greater. The natural vegetation strip shall consist of trees, shrubs or herbaceous plants, excluding lawn and shall be twenty-five (25) feet wide commencing at the high-water mark and measured leeward (inland). Up to, but not exceeding, thirty percent (30%) of the total required vegetative buffer zone may consist of the following items: lawns, decks, walkways, stairways, and other surface pavements.
2. Within the vegetative buffer strip, natural vegetation shall be retained in a natural, undisturbed condition. Minimum alteration of vegetation using selective pruning or thinning techniques necessary to obtain a view of the water shall be acceptable.
3. Vegetation removal shall be limited to that amount necessary for the development of the site. Protection of tree crowns and root zones shall be required for all trees planned for retention.
4. Vegetation shall be restored in areas affected by construction activities. Within the vegetative buffer zone, it is strongly recommended that vegetative indigenous and native to the area be planted. The planting of invasive species is **prohibited**.
5. Individual trees within the natural vegetation strip may be removed which are dead, in danger of falling, causing damage to dwellings or other structures, and selective cutting of trees to provide a filtered view of the water. Those trees removed to provide a filtered view of the water shall be identified and approved by the Planning Commission prior to removal.
6. Where native vegetation does not exist within a buffer zone, the landowner is encouraged to replant the buffer zone with native species.

7. The natural vegetation strip shall not be used for any motorized vehicular traffic, parking or for storage of any kind, including junk, waste, or garbage or for any other use not otherwise authorized by this ordinance.
8. The use of pesticides, herbicides, fungicides, and fertilizers is prohibited in the natural vegetation strip or within twenty-five (25) feet of the ordinary high-water mark, except for the allowed limited use of herbicides for the eradication of poison ivy, poison sumac or poison oak. Fertilizer used with the waterfront protection overlay zone (100 feet) shall be zero phosphorous fertilizer.
9. No burning of brush or leaves or stockpiling of grass, leaves or compost is allowed in the natural vegetation strip.
10. Any dwelling permitted on the lake or along the creek shall have its lowest floor, including the basement, constructed at least four (4) feet above the ordinary seasonal high-water mark of the lake or stream.

**End of Article 3**

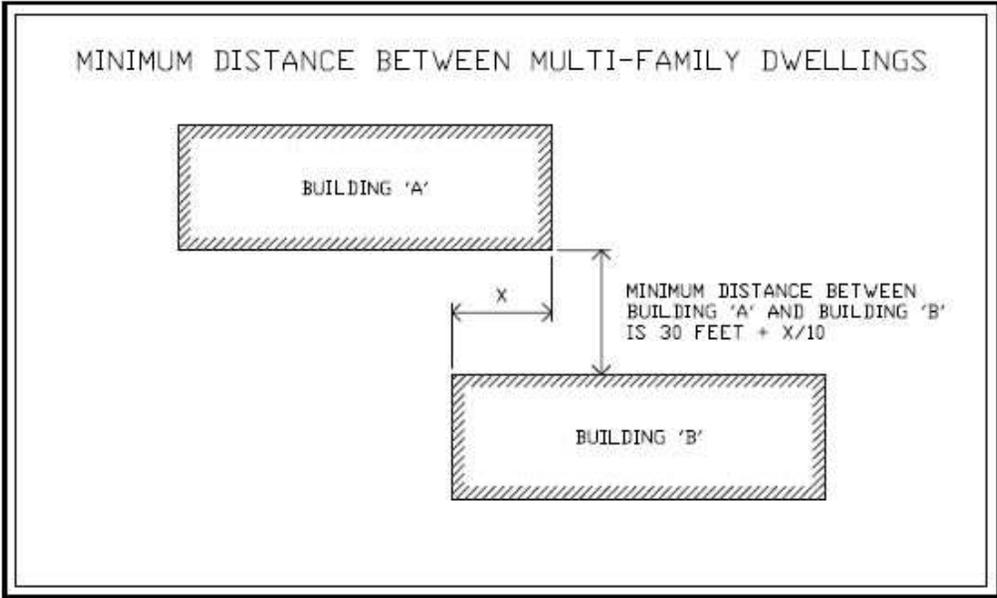


Figure 3.1

**Section 3.15 Table of Zoning District Regulations**

**Table 3-1  
Zoning District Regulations**

Designation	Zoning District Description	Minimum Lot Size/ Dwelling Unit (Area in Square Ft)	Maximum Density in Subdivisions and Condominium Projects (Dwelling Units / Acre)	Lot Width at Road Frontage (Feet)	Maximum Building Height (Feet)	Maximum Coverage of Lots by all Buildings (% of lot area)	Minimum Yard Setbacks			Minimum Floor Area / Dwelling Unit (Square Feet)
							Front (a,b)	Side	Rear	
R-1	Single Family Residential - Rural	5 acres	N/A	200	29	30	50	50	50	1000(i)
R-2	Single Family Residential - Medium Density	1 acre	N/A	100(f)	29	30	50	25	25	1000(i)
R-3	Single Family Residential	8,000	N/A	80(f)	29	30	25	10	25	800(i)
R-4	Single Family Residential - Attached	- - -	4.00(g,h)	80	29	30	25	10(c)	25	600(i)
R-M	Multiple Family Residential	- - -	8.00(g,h)	80	29	30	25	10(c)	25	(d)
RMHC	Manufactured Home Community	Per the Manufactured Housing Commission Act (1987 PA 96, as amended) and its associated rules.								
C-1	Local Business			--	50	--	0(e)	0	0	
C-2	General Business	20,000	N/A	100	36	--	35(e)	20	35	
I-1	Light Industrial	1 acre	N/A	150	50	--	50	20	35	

**Footnotes:**

- a. The required front yard setback shall not be used for off-street parking and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives. All yards abutting upon a public or private street shall be considered as front yards for setback.
- b. In all residential zoning districts, the front yard setback shall apply to both lot lines of a corner lot which abut upon a public or private street.
- c. Where two (2) or more multiple, row or terrace dwelling structures are erected on the same lot or parcel, a minimum distance between any

two (2) structures shall be thirty (30) feet plus one (1) foot for each ten (10) feet, or part thereof, by which the total length of that portion of the two (2) structures lies opposite each other.

- d. The minimum required floor space per dwelling unit in each multiple dwelling structure shall be:

Efficiency apartment	350 square feet	Two bedroom apartment	800 square feet
One bedroom apartment	600 square feet	Three bedroom apartment	1,000 square feet

Plus an additional eighty (80) square feet for each bedroom in excess of three (3) bedrooms in any unit.
- e. Loading space and parking spaces shall not be located in a required front yard.
- f. Required road frontage may be reduced to sixty-five (65) feet in cases of lots fronting on cul-de-sacs and curvilinear streets, provided that the lot meets the required lot width at the required front yard setback line.
- g. For purposes of determining whether a residential development complies with the maximum density requirement and/or whether a parcel meets the minimum requirement for area (square footage), only usable land area shall be considered. Wetlands, floodplains or submerged land such as a lake, pond or stream shall be excluded from the land area calculations.
- h. To encourage the preservation of unique natural features and the Village's rural character, a single family residential condominium development or a single family platted subdivision in a R-2 or R-3 zoning district is strongly encouraged to utilize a clustering option (conservation planning / design concept) in lieu of a traditional subdivision development.
- i. The minimum ground level floor area for 1-1/2 story, 2 story and split-level homes shall be 600 square feet.

**End of Table**