

ARTICLE 4

GENERAL PROVISIONS

Section 4.1 Access to Water Bodies/Riparian Use

A riparian lot shall not be used for riparian purposes by more than one functional family and in the case of lots created after the effective date of this Ordinance, the riparian lot must have a minimum of one hundred (100) feet of frontage on the water. Where a lot is not contiguous to a body of water, it shall not be used in conjunction with a riparian lot to allow the owners or occupiers or the invitees of the non-riparian lot to engage in riparian uses. For the purpose of this section, a riparian lot which is owned by a partnership, corporation, limited liability company or other legal entity is deemed to be owned solely by the entity and such a riparian lot shall not be used to provide riparian access to any owner of the entity unless all such owners are members of a single functional family. For the purposes of this section, the general common element of a condominium project is deemed to be owned by the condominium association as whole and the ownership of a riparian lot by the association shall not be used to grant riparian access or rights to any of the individual members of the association or to any of the owners of the related condominium units. ~~The intent of this section is to prevent non-riparian owners by others or riparian lots owned jointly or in common with others.~~ **The intent of this section is to prevent non-riparian owners or occupiers or their invitees from engaging in riparian uses using riparian lots owned by others or riparian lots owned jointly or in common with others.** This section is also intended to prevent the exercise of riparian rights by more than one functional family where a riparian lot is owned, in whole or in part, by a legal entity or in situations where the riparian lot is owned jointly or in common by multiple individuals, unless all such owners are members of a single functional family. This section shall not be construed to prevent riparian use from being engaged in by the members of a single functional family.

Section 4.2 Accessory Buildings in Residential Districts

In any residential zoning district accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to the main buildings. Detached accessory buildings shall not be erected in any required minimum front yard setback. No detached accessory building shall be located closer than ten (10) feet to any building nor shall it be located closer than ten (10) feet to any side or rear lot line. Accessory buildings in residential districts include detached garages, storage buildings, sheds, and dog kennels.
- B. No detached accessory building shall be erected with the WO, Waterfront Protection Overlay Zone, except as permitted in Article 3.13.

- C. If the accessory building is detached, it shall only be erected on the same lot as its associated principal building. Accessory buildings may be built on a lot separate from the lot on which the principal structure is located only after the issuance of a special use permit as provided for in Article 10 of this Ordinance.
- D. No detached accessory building shall be located in a required lake front sight line.
- ~~G.~~ No detached accessory building in a residential zoning district shall exceed sixteen (16) feet in height.
- ~~D.~~E. No building permit for a detached accessory building shall be issued prior to the issuance of the building permit for its principal structure.
- ~~E.~~F. When determining allowable square footage for accessory buildings associated with a residential dwelling, detached garage area as well as any sheds or other buildings will be totaled.
 - 1. In residential zoning districts the total square footage of all residential accessory buildings, excluding attached garages, shall be as follows:
 - a. On lots ten thousand (10,000) square feet or less in size, the total square footage of accessory buildings shall not exceed six hundred (600) square feet. The total number of detached accessory buildings shall not exceed two (2).
 - b. On lots greater than ten thousand (10,000) square feet up to and including twenty thousand (20,000) square feet in size, the total square footage of accessory buildings shall not exceed one thousand (1,000) square feet plus two (2) percent of the lot area over ten thousand (10,000) square feet. The total number of detached accessory buildings shall not exceed three (3).
 - c. On lots greater than twenty thousand (20,000) square feet up to and including two (2) acres in size, the total square footage of accessory buildings shall not exceed one thousand (1,000) square feet plus one and one half (1.5) percent of the lot area over twenty thousand (20,000) square feet. The total number of detached accessory buildings shall not exceed four (4).
 - d. On lots over two (2) acres in size the total square footage of accessory buildings shall not exceed two thousand (2,000) square feet plus one (1) percent of the lot area over twenty thousand (20,000) square feet. However, the total square footage of the accessory buildings may not exceed four thousand five hundred (4,500) square feet.

These standards do not apply to non-residential accessory uses.

- 2. The Planning Commission may permit up to a twenty percent (20%) an

increase in the total allowable square footage for accessory buildings, as stated above, if the proposed structures(s) meets the following conditions:

- a. Building's method of construction, finish materials and architectural details are compatible with the characteristics of the surrounding areas as determined by the Planning Commission.
- b. Exterior building materials are composed of high quality and durable materials.
- c. Large roof areas have variations in roof lines to reduce the scale of the building and add visual interest.
- d. The number of overhead doors are minimized and the use of standard sectional overhead doors is strongly discouraged.

In all case, as stated above, total square footage of principal structure plus accessory buildings shall not exceed allowable maximum coverage of lot as defined in Table of Zoning District Regulations, Section 3.12.

F.G. Accessory buildings shall be repaired and maintained in good condition by the property owner. The following will not be considered as an accessory building(s) and shall be prohibited:

1. Buildings constructed of and/or clad with fabric, sheet plastic, and/or other non-durable materials, except for greenhouse/hothouse structures used only for the growing of plants.
2. Prefabricated structures or containers not designed and/or intended for use as a long term, free-standing accessory storage building, i.e., shipping containers, tow trailers, cargo van boxes, children's play structures, **fabric carports/shelters, metal carports/shelters**, etc.

H. In zoning districts where raising of livestock is a permitted principal use, a zoning permit is not required for the installation of movable animal shelters. Construction of permanent barns, sheds, or shelters over 200 square feet will require a zoning permit.

Section 4.3 Access, Curb cuts and Driveways

- A. All proposed new or modified curb cuts and driveways located on public roads or streets shall require the approval of the ~~Lapeer County Road Commission or Genesee County Road Commission~~, as applicable **Village of Otter Lake**. Where any proposed curb cuts and driveways are not regulated by either road commission, the Planning Commission shall consider the design standards of the appropriate road commission in granting approval of the proposed curb cuts and driveways.
- B. R-1, R-2 and R-3 Single Family Residential zoned properties shall be limited to one (1) driveway per property in accordance with the following:

1. Driveways shall be designed so as to enter the street as nearly as possible at a 90 degree angle.
2. Driveways shall be a minimum eight (8) feet in width. Within the required front yard setback, the maximum width of any driveway shall be equal to the width of the approved curb cut for that driveway.
3. Driveways shall be constructed so as not to interfere with existing drainage flow. Any culverts needed to facilitate drainage shall be installed.
4. Driveway shall be located so as far as practical to preserve any trees within the street right-of-way.

Additional curb cuts / driveways may be approved by the Planning Commission if the property owner can demonstrate the following:

1. Lapeer County Road Commission or Genesee County Road Commission, as applicable, has no objections to proposed curb cut / driveway.
 2. Other options for ingress / egress do not exist or are not economically feasible.
 3. Proposed curb cut / driveway provides a safer alternative to use of existing driveway.
- C. Planning Commission approval shall be acquired before any driveway, commercial or residential, is constructed or used.
- D. Driveways shall be constructed of industry recognized materials to provide permanent, durable, and dustless surface.

Section 4.4 Building Grades

- A. Any building requiring yard space shall be located as such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the building.
- B. When a new building, structure or surface structure is constructed on a lot, the existing established grade shall be used in determining the grade around the new building, structure or surface structure in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property at a rate or volume greater than the rate or volume of run-off that existed prior to the lots development. Final grades shall be approved by the Building Inspector who may require documentation of compliance with this provision from a licensed engineer or land surveyor.

Section 4.5 Construction Begun Prior to Adoption of Ordinance

Nothing in this Ordinance shall be deemed to require any change in plans, construction or design use of any building for which an unexpired building permit was issued prior to the adoption of this Ordinance or an amendment thereto, and upon which building actual construction has been carried on, and provided that such building shall be completed within two (2) years from the date of passage of this Ordinance. If construction is based on an approved site plan, a developer may build in accordance with an approved site plan provided a building permit is applied for within two (2) years of approval and all work is completed within two (2) years of issuance of the building permit.

Section 4.6 Corner Clearance

No fence, wall, hedge, other protective barrier, or other planting of trees, shrubs, or flowers shall be erected, established, or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above street level. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height from ground level. The area which shall remain unobstructed shall be a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street property lines extended.

Section 4.7 Division of Existing Parcels

Village Council approval of a division of land is required before it is sold or deeded to another, when a new parcel is less than forty (40) acres and not just a property line adjustment. All division so of land shall comply with Sec. 108 and 109 of the Michigan Land Division Act. (Formerly the subdivision control act P.A. 288 of 1967 as amended particularly by P.A. 591 of 1996 and P.A. 87 of 1997, MIC 560 et. Seq.)

- 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 use of such divided land in conjunction with an adjoining parcel of land.
- B. If the division of the parcel(s) will result in a lot size less than the requirements of the Zoning Ordinance, the applicant shall submit an affidavit in a form legally sufficient for recording with the Register of Deeds and signed by all parties who have any ownership interest in the parcel acknowledging that they understand that the divided parcel shall be thereafter be used only in conjunction with said adjoining parcel, or said divided parcel and adjoining parcel of land shall be jointed into one parcel.
- C. Petitioner shall provide proof of ownership of the lots or lots to be split.

- D. Petitioner shall provide proof that no outstanding liens, claims, or other entities have a legal interest in the lot or lots to be split.
- E. Petitioner shall submit three (3) site drawings of the proposed lot split(s) prepared and sealed by a Registered Civil Engineer or Registered Land Surveyor. Site drawings shall contain the following information:
1. General Project Information, including:
 - a. Location (address) of parcel to be split.
 - b. Existing legal description(s), including tax identification number(s).
 - c. Name and address of Owner(s).
 - d. Name and address of design professional preparing site drawings.
 - e. Scale, not greater than 1"=50'.
 - f. Location map and north arrow.
 - g. Width and depth of each parcel.
 - h. Gross acreage of each parcel.
 - i. Proposed new legal description(s).
 - j. Zoning classifications.
 - k. All previous divisions made after March 31, 1997.
 2. Property lines, existing and proposed easements. location of existing buildings, all dimensioned.
 3. Vehicular traffic and pedestrian circulation features, including driveways, drives, sidewalks, and streets or driveways within one hundred (100) feet of the property.
 4. Location of all existing or proposed public or private utilities.
 5. Existing natural features, including streams, marshes, ponds, one hundred (100) year floodplain boundaries, limits of wetlands as determined by a recognized consultant, soil types.
 6. Indicate number of future divisions being transferred from the parent parcel to another parcel.
 7. Indication of no objections to the proposed division(s) from the Village Tax Assessor.
 8. A copy of any reserved division rights (sec. 109(4) of the act) in the parent parcel.
 9. Affidavit and permission for Village, county, and state officials to enter the property for inspections.

Section 4.8 Excavations or Holes

The construction, maintenance, or existence with the Village of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to public health, safety or welfare, are hereby prohibited. However, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected, and warning signs posted in such a manner as may be approved by the Building Inspector.

Section 4.9 Exceptions

The following are exceptions to the general standards in this Ordinance.

- A. Permitted Height Exceptions: No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for zoning districts in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers steeples, stage lofts, and screens, flagpoles, chimneys, smoke stakes, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected to exceed by more than fifteen (15) feet the height limits of the zoning districts in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use permit, the Planning Commission may permit structures that exceed these standards.
- B. Permitted Exceptions to Side Yard Setbacks: On legal non-conforming lots with a width of sixty (60) feet or less and recorded as such prior to the date of the adoption of this Ordinance, the minimum width of each side yard for all structures shall be five (5) feet.
- C. Permitted Projections into Yards: Architectural features, as defined, not including vertical projections, may extend or project into a required yard in accordance with the following:
1. Yard Side: Not more than two (2) inches for each one (1) foot of width of such side yard.
 2. Front or Rear Yard: May extend or project not more than three (3) feet.
 3. Temporary projections such as window air conditioners shall be permitted so long as they project no more than three (3) feet into a required front, side or rear yard.
- D. Voting Place: The provisions of the ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a ~~Village or other~~ **any** public election.

Section 4.10 Exterior Lighting

All outdoor lighting in all zoning districts other than residential shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts, adjacent residences, and public right-of-ways.

A. Illumination guidelines shall generally be in accordance with the following standards:

1. Parking Illumination: 2 Lux / 0.2 Footcandles
2. Building Exterior:
 - a. Entry/Active Use Area: 50 Lux / 5.0 Footcandles
 - b. Building Surrounds: 10 Lux / 1.0 Footcandles
 - c. Gardens (General): 5 Lux / 0.5 Footcandles
 - d. Walkways: 5 Lux / 0.5 Footcandles
 - e. Signs/Monuments (Flood Lighted): 50 Lux / 15 Footcandles
3. Outdoor lighting shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures shall be of the full cut-off design directing light on-site only and no more than twenty (20) feet above average grade.
4. The Planning Commission may permit taller or required shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would reduce the number or size of light fixtures, not adversely impacting neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings.

Section 4.11 Fence and Wall Standards

Barriers including, but not limited to, fences, walls, hedges and other protective barriers of any type or description, but not including temporary fences, shall conform to the following requirements:

- A. They shall be durable, weather resistant, rustproof, and easily maintainable.
- B. They shall be maintained in good condition by the property owner.
- C. Barriers (fences, walls, etc.) shall be a maximum six (6) feet in height, however posts may extend six (6) inches above the height of the fence, and gates may extend eighteen (18) inches above the height of the fence, with the following exceptions:
 1. In residential districts, no fence, wall, or other protective barrier shall exceed forty (40) inches in height when located within the actual front yard setback.
 2. In non-residential districts, no fence, wall, or other protective barrier shall exceed eight (8) feet, except that a security fence for a permitted commercial or industrial use may include a minimum of one (1) additional

foot of barbed wire.

3. Within any zoning district, opaque barriers shall be a maximum forty (40) inches in height when located within the actual front yard setback.
 4. Open fences (over 80% open) may be constructed to a height not to exceed ten (10) feet for uses listed below. Such fences shall conform to all setback requirements for structures.
 - a. Tennis courts
 - b. Volleyball courts
 - c. Swimming pools
 - d. Goals and backstops
- D. The finished side or most visibly attractive side of a wall or fence shall face the exterior of the property line (adjacent view). Post shall be on the side of the wall or fence facing the interior of the lot or parcel of land upon which the wall or fence is constructed or be located within the fence line and used as a decorative element.
- E. On any lot or parcel touching a lake in any zoning district, no barriers in excess of thirty-six (36) inches in height shall be erected beyond the sight line. If a sight line cannot be established because of one or more adjacent lots is unimproved or the subject parcel is on a peninsula, point, bay or otherwise positioned differently, then the barrier shall be no more than thirty-six (36) inches in height within the lake side setback required for the zoning districts it is located in.
- F. Barbed wire fences and low-voltage 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.
- G. No fence, wall, hedge, screen, or other protective barrier shall be erected within any public right-of-way.
- H. Corner and sight line clearance will be maintained per Section 4.5 of this Ordinance.
- I. Nothing in this Ordinance shall be deemed to interfere with the erection of temporary fences around construction works, erected, or maintained pursuant to building code and other Ordinances of the Village. **Other enclosures or barriers used in conjunction with a temporary outdoor use such as to define a temporary parking area, or in conjunction with a seasonal use such as a snow fence or protective barrier around a garden are exempt from the provisions of this sections.**
- J. **A retaining wall that does not extend above the height of the original grade of the property prior to construction is not required to comply with the height**

requirements of this ordinance. Retaining walls that do extend above the original grade of the property such as that created by the installation of fill materials, must comply with the height requirements of this ordinance.

- K. In zoning districts where raising of livestock is a permitted principal use, a zoning permit is not required to erect fencing used to restrain livestock.

Section 4.12 Internet Sales

- A. Internet Sales of products or services from a residence shall comply with the requirements of the Village of Otter Lake Home Occupation Ordinance.

Section 4.13 Filling and Stockpiling Operations

Following the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling with materials of any kind without approval of the Planning Commission by issuance of a fill permit and subject to requirements as may be appropriate.

Section 4.14 Lot Limitations

In Single Family Residential zoning districts, only one (1) principal building shall be erected on a lot of record.

Section 4.15 Occupancy, Prohibited

~~No basement or below grade apartment, or accessory structure, including detached garages, shall be used, or occupied for dwelling purposes at any time.~~

No basement or below grade apartment shall be used or occupied for dwelling purposes unless said basement or below grade apartment complies with all current building codes for use as a dwelling unit.

No accessory structure, including detached garages, shall be used, or occupied for dwelling purposes at any time.

Section 4.16 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. Drifted and Airborne Matter: The drifting or airborne transmission beyond the lot line of dust, particles, or debris from any open stockpile shall be unlawful and shall be summarily caused to be abated.

- B. Noise: The emission of measurable noise from the premises shall not exceed sixty-five (65) decibels as measured at the boundary property lines. In addition, objectionable sounds of an intermittent nature, or characterized by high frequencies even if falling below the aforementioned decibel reading shall be controlled so as not to become a nuisance to adjacent uses.
- C. Open Storage: The open storage of junk, scrap materials, or other products, where permitted in zoning districts, shall be screened from public view and from adjoining residential properties by an enclosure consisting of an obscuring fence maximum eight (8) feet in height. The type of fence shall be reviewed and approved by the Planning Commission prior to construction.
- D. 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.

Section 4.17 Porches, Decks, Patios and Terraces

- A. On any lot or parcel in a residential zoning district, an open, unenclosed porch, deck, paved patio or terrace shall comply with the side yard setbacks for principal structures in the zoning district in which they are located but may project into a required front and/or rear setback area for a distance not to exceed ten (10) feet.
- B. Any porch, deck, patio or terrace erected within the WO, Waterfront Protection Overlay Zone shall also comply with requirements of Article 3.13.

Section 4.18 Private Roads

- A. A private road is a road that provides direct access to over two or more lots, and which is not dedicated to and accepted by an authorized governmental road agency.
- B. Application, review and approval of a proposed private road shall follow the site plan review process.
- C. Application for approval of a private road shall include a site plan sealed by a professional engineer illustrating:
 - 1. Existing and proposed lot lines.
 - 2. The location of existing and proposed structures.
 - 3. The width and location of the private road easement.
 - 4. A cross section of the proposed road, showing the types of materials to be used to construct the road base and surface.
 - 5. Utility plans including the location and size/capacity of storm water drainage systems, sewer or septic systems, water lines or private wells, and private utilities such as telephone, electrical or cable service.

6. Proposed locations, widths, and radii of driveways off the private road.
7. Any existing or proposed structures, trees, or other obstructions within the proposed right-of-way.
8. All divisions of land, showing compliance with the Land Division Act.
9. Proposed locations and type of permanent signing.

D. The proposed private road shall meet the following standards:

1. The minimum right-of-way width shall be thirty-three (33) feet.
2. The minimum grade for roadways shall be five-tenths (0.5) percent. The maximum grade shall be six (6) percent. The maximum grade within one hundred (100) feet of an intersection shall be three (3) percent.
3. No fence, wall, sign, screen, or any planting shall be erected or maintained in such a way as to obstruct the clear vision zone, as required in Section 4.5 of this Ordinance.
4. The maximum number of residences permitted on a cul-de-sac is twenty (20), but in no instances may a cul-de-sac be over one thousand (1,000) feet in length.
5. All driveways off of a private road shall be at least forty (40) feet from the intersection of the private road right-of-way and a public road right-of-way.
6. Intersections of private roads with public roads shall be at an angle as close to ninety (90) degrees as possible, but in no case shall it be less than eighty (80) degrees or more than one hundred (100) degrees.
7. The width of the roadway shall be a minimum of twenty-two (22) feet with three (3) foot wide shoulders provided for bicycle and pedestrian traffic for roads servicing lots over one hundred (100) feet in width. Roads servicing lots one hundred (100) feet wide or less shall have a minimum twenty-four (24) foot wide roadway with three (3) foot wide shoulders. Roads with curb and gutter shall be minimum twenty-five (25) feet back of curb to back of curb.
8. The minimum radius for circular cul-de-sac roadway is fifty-two (52) feet. An interior island is permitted in the center of the cul-de-sac, provided that the roadway within the cul-de-sac is no less than twenty-six (26) feet wide.
9. A written maintenance agreement signed by the owners of each lot or residence to be served by the private road shall be recorded with the appropriate County Register of Deeds. The agreement shall allocate the responsibility to maintain the private road between or among the owners and shall be binding upon the successive owners of the lots or residences. It shall be the responsibility of the owners to enforce the terms of the agreement.
10. Sight distances on horizontal and vertical curves shall be a minimum of two hundred (200) feet measured at a point ten (10) feet from the edge of the traveled roadway at a height of forty-two (42) inches to an object height of forty-two (42) inches based on a posted speed of twenty-five (25) mph.
11. Parcels fronting on private roads shall meet the required front yard setback and lot width for their zoning district.

12. The private road shall comply with the cross-sectional design criteria standards for road surfaces established by the Village Engineer of record for residential streets.
13. Any road that provides connection to any other two (2) public roads or provides access to C-1, C-2 or I-1 zoned property shall be constructed to road standards established by the Village Engineer and/or appropriate County Road Commission.

Section 4.19 Property Staking

Any parcel that is to be reviewed for a zoning permit or site plan approval or is to be reviewed by the Zoning Board of Appeals shall be adequately staked as determined by the Zoning Administrator.

Section 4.20 Raising of Livestock

Raising of livestock, poultry or rabbits where permitted in zoning districts shall comply with the following requirements:

- ~~A. Any parcel of land on which livestock, poultry or rabbits are kept shall contain at least one (1) acre.~~
- A. R-1 Single Family Residential – Rural:
 1. Properties 10 acres or larger in size: Permitted, all livestock
 2. Properties 2 acres up to 10 acres in size: By Special Use Permit, all livestock
 3. Properties up to 2 acres in size: Permitted, chickens and rabbits.
 - B. R-2 Single Family Residential – Medium Density:
 1. Properties 2 acres or larger in size: By Special Use Permit, all livestock
 2. Properties up to 2 acres in size: Permitted, chickens and rabbits.
 - C. R-3 Single Family Residential: By Special Use Permit, chickens (hens only) and rabbits.
 - D. R-4 Single Family Residential – Attached: By Special Use Permit, chickens (hens only) and rabbits.
 - ~~D. E.~~ 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.~~
 - F. Issuance of a Special Use Permit will dictate the type and number of animals allowed, the location of animal fencing and housing on the property.

- G. Manure shall not be allowed to accumulate so as to cause any odor offensive to nearby residents.
- H. These standards do not apply to animals considered as small livestock, but are kept within a residential home (i.e. rabbits, etc). Such animals will be considered pets.

Section 4.21 Scope

- A. No building or structure, or part thereof, shall hereafter be erected, constructed, enlarged, reconstructed, moved, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance, including provisions dealing with lot size, setbacks, and structure size.
- B. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit required by this Ordinance, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

Section 4.22 Screening of Trash Storage Areas

The Planning Commission may require trash dumpsters or other trash containers to be screened on three sides with a fence or wall meeting the minimum requirements of Article 7 of this Ordinance when the abutting property is zoned Single Family Residential (R-1, R-2, R-3 or R-4). The opening of the trash storage area shall be oriented to minimum off-site visual impact.

Section 4.23 Signs

All signs shall comply with the requirements and regulations set forth in this Ordinance. A building permit and site plan review shall be required for the erection, construction or alternation of any signs permitted, except for signs permitted under paragraphs C and D of this Section.

- A. The following words, terms, and phrases, when used in this Section, shall have the following meanings ascribed to them as follows:
 - 1. Banner: A sign made of fabric, vinyl, or any non-rigid material with no enclosing framework.
 - 2. Canopy: A non-rigid fabric or vinyl marquee or awning type structure, which is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo.
 - 3. Changeable Message Sign: A permanent reader board attached to a pylon sign or the exterior of wall where copy is changed mechanically, electronically, or manually, including time/temperature signs.

4. Digital Sign: A display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This includes any moving, flashing, blinking, or animated display and any display that incorporates lights manipulated through digital input, or any other method or technology that allows the sign face to present a series of images or displays.
 5. Ground Sign: A free standing sign supported by uprights, braces or structure in or upon the ground which are not part of the building.
 6. Pylon Sign: A sign supported on the ground by a pole, braces or monument, and not attached to any building or other structure.
 7. Wall Sign: A sign attached to or placed flat against the exterior wall surface or any building, no portion of which projects more than twelve (12) inches from the face of the wall.
- B. Exempt Signs: No building or sign permit shall be required for signs or outdoor display structures covered by the following provisions; however, this exception shall not be construed to relieve the owner of the sign from responsibility for the sign's erection and maintenance in a safe manner.
1. A single sign advertising a home occupation which have been approved by the Planning Commission shall be permitted providing said sign is not illuminated and does not exceed six (6) square feet in area per face. Sign shall be erected only on the parcel for which the advertised home occupation is located.
 2. 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 feet in area.
 3. Temporary real estate open house signs are permitted provided there shall be only two (2) such signs placed off-premise and one (1) on premise; the size of each sign shall be a maximum of four (4) square feet in area and three (3) feet in height. Signs shall not be affixed to other signs, utility poles, fire hydrants or trees; the person or firm placing the signs shall obtain authorization from the owner or occupant of all properties on which such signs are placed; the signs shall be allowed for a maximum of four (4) days in any single calendar month, eight (8) hours per day and the signs shall be removed within one (1) hour following closing of the open house.
 4. Temporary signs are permitted in all districts, which advertise for sale of 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 four (4) square feet.
 5. Temporary signs advertising non-commercial public events shall be permitted in all zoning districts not to exceed sixty (60) days. Such signs may be double-faced and may not exceed thirty-two (32) square feet in total sign area.

6. Construction Signs – Commercial Properties: One (1) construction sign per lot, not exceeding thirty-two (32) square feet in area and that such signs shall be erected during construction period only and shall be removed within fifteen (15) days of the date of certificate of occupancy.
7. Construction Signs – Residential Properties: One (1) construction sign per lot, not exceeding six (6) square feet in area and such signs shall be erected during construction period only and shall be removed within fifteen (15) days of the date of certificate of occupancy.
8. Plaques or signs describing state or national designation as an historical site or structure and/or containing narrative, not exceeding twelve (12) square feet in area.
9. In commercial districts, incidental signs not exceeding two (2) square feet per sign shall be permitted, provided said sign(s) are attached to a permitted sign, exterior wall, building entrance, window, or equipment customarily incidental to the commercial enterprise located on the premises, (e.g., gas pumps, vending machines, ice containers, etc.)
10. Temporary signs promoting political candidates or election issues shall be permitted in all zoning districts, provided that such signs shall not exceed thirty-two (32) square feet in area. All such signs shall be removed within five (5) business days after the election.

C. Prohibited Signs: The following signs shall be prohibited in any district:

1. There shall be no flashing, oscillating or intermittent type of illumination of any sign. No mechanical moving parts shall be allowed on any signs, unless an exception is granted by the Planning Commission.
2. No sign shall overhang or encroach upon any public right-of-way.
3. Signs which obstruct or impair vision of motorists or non-motorized travelers at any intersection, driveway or within a parking lot or loading zone.
4. Any sign that violates the clear vision requirements of this Ordinance.
5. Roof signs, any sign erected, constructed, maintained upon which projects beyond the roof of the building, unless an exception is granted by the Planning Commission.
6. Banners, pennants, and streamers except as otherwise allowed in this Ordinance.
7. Signs generating noise, smoke, vapor or odors.
8. Inflatable signs, not including residential lawn ornaments.
9. Off-premise signs, unless otherwise provided for in this Ordinance.

D. On-premise signs shall be permitted in business, commercial and industrial districts, ~~or other facilities located on the same parcel of land as the facility advertised shall be permitted~~ subject to the following conditions:

1. No on-premise sign shall be permitted which is not accessory to the business conducted on the property.

2. Any direct illumination for the sign shall be shielded from the view of persons on public road or adjacent properties.
 3. No more than one (1) pylon or ground sign shall be permitted for each facility.
 4. Pylon or ground signs may not exceed ten (10) feet in height and shall not block corner and sight line clearance per Section 4.5 of this Ordinance.
 5. Pylon or ground signs may be double-faced and may not exceed fifty (50) square feet in sign area per face.
 6. In addition to one (1) pylon or ground sign, one (1) wall sign shall be permitted for each facility as follows:
 - a. Such sign may only be erected on an exterior wall provided the total sign area shall not exceed twenty-five (25) percent of the area of the face of the wall upon which such sign is attached.
 - b. No such sign shall extend farther than twelve (12) inches from the face of the building upon which it is attached, provided, however that where a sign extends more than three (3) inches from the face of such wall, the bottom of such sign shall not be closer than eight (8) feet from the ground level below such sign.
 - c. Wall sign height and overall width shall be in proportion to the exterior wall area it is attached to as determined by the Planning Commission.
 7. No more than two (2) temporary signs shall be permitted at any one time for any facility.
- E. Pylon or ground signs located on parcels of land separate from the facilities advertised on the signs may be permitted only in the Commercial (C-1 and C-2) and Light Industrial (L-1) zoning districts with an exception granted by the Planning Commission. Such signs may be double-faced and may not exceed thirty-two (32) square feet in sign area per face.
- F. Reader Board signs, either temporary or permanent must be approved by the Planning Commission and must not interfere with traffic safety. Reader Board signs may operate by electrical or mechanical means and must comply with paragraph A above.
- G. Signs or murals painted directly to the surface of a structure must be approved by the Planning Commission.
- H. Any sign constituting an immediate hazard to health or safety, including signs place in public right-of-ways, attached to utility poles or affixed to trees, shall be deemed a nuisance and may be immediately removed by the Village and the cost thereof charged against the owner of the property on which it was erected.

Section 4.24 Soil Erosion and Sedimentation Control

All proposed developments shall require compliance with the Soil Erosion and

Sedimentation Control Act, Act 347 of 1972, as amended, and shall meet all minimum standards established by the Lapeer County Drain Commissioner or Genesee County Drain Commissioner, as applicable, and any State or Federal laws or regulations.

Section 4.25 Storage and Repair of Vehicles

- A. The repair, restoration and maintenance procedures or projects on vehicles in any residential zoning district shall be subject to the following limitations:
 - 1. Procedures exceeding forty-eight (48) hours in duration, or which require the vehicle to be inoperable for forty-eight (48) hours shall be carried out within an enclosed building.
 - 2. Inoperable vehicles and vehicle parts shall be store inside an enclosed building.
- B. Travel trailers, campers and other vehicles intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water, or gas.

Section 4.26 Street or Road Frontage

Any parcel of land which is to be occupied by a use or building, shall have frontage on and direct access to a public street or road. All lots must have a minimum frontage equal to the lot width required in Article 3, except as otherwise permitted.

Section 4.27 Swimming Pools

All swimming pools constructed in the Village shall comply with all requirements of the Michigan Residential Code, latest adopted edition.

- A. Zoning Permit: An application for a zoning permit to construct a swimming pool shall include the name of the owner, the location of the pool, a plat plan showing the location of adjacent buildings, fencing, gates, and public utilities, specifications and plans, to scale, of the 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 Planning Commission.
- B. Swimming pools, spas, hot tubs, and similar devices shall not be located in any front yard nor less than ten (10) feet from any lot line.

Section 4.28 Yard Sales

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 than four (4) days.
- B. No more than two (2) yard sales may be held during any calendar year.
- C. No yard sale shall be operated before 8:00 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 the purpose of this Ordinance, the term “yard sale” shall mean any offering for sale of personal property in an area zoned for residential use. The term “yard sale” shall include 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 sales”. 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 a “yard sale” covered by this ordinance.

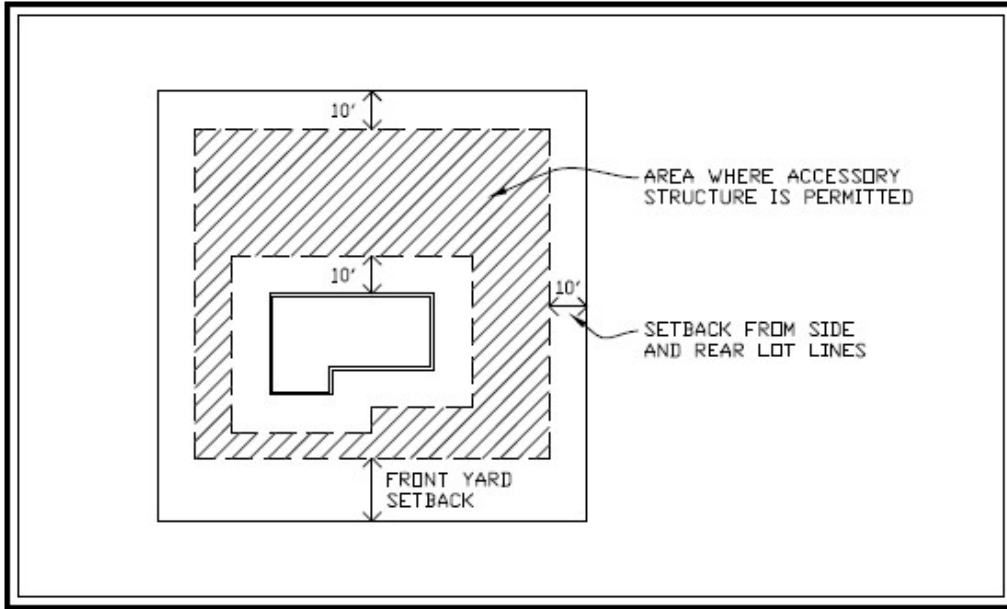


Figure 4.1

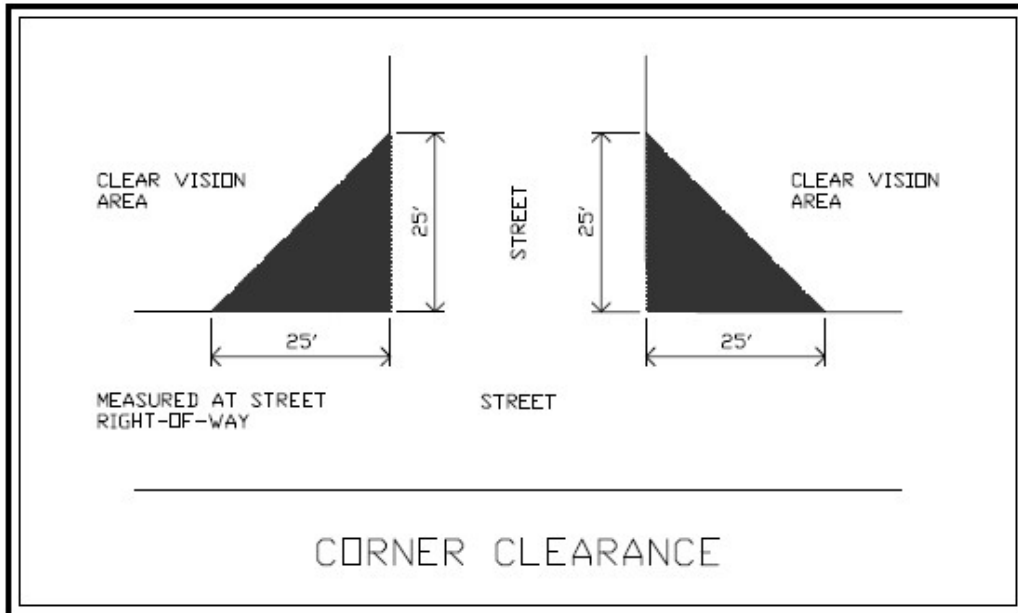


Figure 4.2

End of Article 4