



VILLAGE OF LAKE ISABELLA  
ZONING ORDINANCE & MAP

ADOPTED NOVEMBER 22, 2022

## INTENT

1. **Purpose & Goals.** The Zoning Code for the Village of Lake Isabella has been adopted to implement the goals and objectives of the Village's Master Plan. Foremost among those goals is the desire to preserve the public's health, safety, peace, and general welfare. The provisions contained in the Zoning Code are designed to accomplish the following objectives:
  - A. To conserve lands, waters, and other natural resources in the Village of Lake Isabella for their most suitable purposes;
  - B. To establish adequate standards for the provision of light, air, and open spaces;
  - C. To protect productive agricultural lands for agricultural uses;
  - D. To reduce hazards to life and property from flooding, air, and water pollution;
  - E. To secure safety from fire and other dangers;
  - F. To promote the orderly development of urbanizing areas and limit the overcrowding of land, water, and infrastructure;
  - G. To reduce the risks of unsustainable public costs to maintain infrastructure or provide new services which result from unguided community development;
  - H. To avoid undue concentration of population by regulating and limiting the density and use of land;
  - I. To lessen congestion in the public highways and streets;
  - J. To facilitate the development of adequate streets and highways, educational, recreational, and other public facilities and services;
  - K. To ensure appropriate locations and relationships of land uses; to ensure proper development of housing and commerce;
  - L. To provide standards to control the amount of impervious surfaces within a development or site;
  - M. To establish adequate drainage, erosion control, and the reduction of flood damage;
  - N. To isolate and control the location of unavoidable nuisance-producing areas;
  - O. To fix reasonable standards to which structures and uses shall conform;
  - P. To provide for the eventual elimination of nonconformities;
  - Q. To define and provide for the powers and duties of needed boards and officials;
  - R. To provide sanctions and penalties for the violation of this Zoning Code;
  - S. To provide a map for all zoning districts of the Village;

T. And to enhance the social and economic stability of the Village of Lake Isabella.

2. **Interpretation.** The provisions of this Article shall be held to be minimum requirements adopted to promote public health, safety, convenience, comfort, prosperity, and economic welfare. Where this Article or a Chapter contained herein imposes more significant restrictions upon the use or development structures or requires larger yards or other open spaces greater than are imposed or required by other provisions of law, ordinance, or deed restrictions, the provisions of this zoning code shall prevail.
3. **Scope.** This zoning code shall affect and regulate the use and occupancy of all land and every structure under Village zoning jurisdiction. Where this zoning code imposes more significant restrictions than those imposed or required by provisions of other laws, ordinances, private restrictions, covenants, deeds, or other agreements, the provisions of the zoning code shall control.

No structure, land, or premises shall hereafter be used or occupied, and no structure shall be erected, moved, reconstructed, extended, or altered except in conformity with the regulations and provisions of this zoning code.

4. **Statutory Authority.** Article XII of the Codified Ordinances of the Village of Lake Isabella has been adopted according to the requirements of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
5. **Severability.** In the event that one or more parts, provisions, phrases, or words of this Zoning Code shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of the Zoning Code.

## DEFINITIONS

### 1. Interpretation

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text and any caption or illustration, the text shall control.
- C. The term "shall" is always mandatory and not discretionary. The term "may" is permissive.
- D. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The term building includes the term "structure" and vice-versa.
- F. A "building" or "structure" includes any part thereof.
- G. The term "lot" includes the term "parcel."
- H. The phrase "used for" includes: "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- I. The word "person" includes a firm, association, organization, partnership, trust, corporation, company, or individual.
- J. Any word or term not defined herein shall have the meaning of common or standard use that is reasonable for the context used herein.

### 2. Definitions

Abandon: To cease using land or a structure for its intended use for three hundred sixty-five (365) consecutive days.

Accessory Buildings and Structures: A subordinate structure on any property with a primary structure. The use of the accessory structure shall be devoted to an accessory use of the primary structure or use.

Accessory Dwelling Unit: A secondary dwelling unit with a separate entrance, kitchen, sleeping areas, and full bathroom facilities which is attached to and part of a detached single-family dwelling for the independent use of an immediate family member residing in the primary dwelling unit of the structure.

Accessory Use: Any use customarily incidental and subordinate to the primary use of the premises.

Adult Bookstore: An establishment having 20% or more of its stock in trade comprised of books, magazines, and/or other periodicals which are distinguished or characterized by

their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined in this Ordinance) or an establishment with a segment or section devoted to the sale or display of such material.

**Adult Cabaret:** Any establishment wherein food and/or beverage is sold or given away on the premises which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

**Adult Entertainment Business:** An establishment that offers its patrons services, merchandise, or entertainment characterized by an emphasis on matter depicting, describing, or relating to sexual activities.

**Adult Merchandise Store:** Any establishment having 20% or greater portion of its stock in the trade sale of merchandise, which is predominantly characterized by its emphasis on the matter or depicting or relating to any specified sexual activity or specified anatomical area.

**Adult Motion Picture Theater:** An establishment used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in this Article), for observation by patrons therein.

**Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care. This does not apply to adult foster care facilities licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**Adult Foster Care Home:** A private home with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family, home licensee, must be a household member and an occupant of the residence. This does not apply to adult foster care facilities licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**Adult Foster Care Small Group Home:** A private home with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation. This does not apply to adult foster care facilities licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**Adult Foster Care Large Group Home:** A private home with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive

weeks for compensation. This does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

**Agricultural Labor Housing:** A tract of land and all tents, vehicles, buildings, and other structures that are established, occupied, or used as living quarters for migratory workers engaged in agricultural activities.

**Agricultural Supply Establishment:** An establishment selling supplies such as seed and fertilizer for use in soil preparation and maintenance, the planting, care, or harvesting of crops and plants, as well as feed and products essential to raising livestock or poultry.

**Aircraft Hangar, Commercial:** A structure used for the storage of five or more private aircraft, or the storage of any commercial aircraft; and featuring a door with an opening of at least forty feet (40') in width and ten feet (10') in height which is positioned appropriately for aircraft to taxi to and from the runway.

**Aircraft Hanger, Private:** A structure used for the storage of four or fewer aircraft, and features a door with an opening of at least forty feet (40') in width and ten feet (10') in height which is positioned appropriately for aircraft to taxi to and from the runway.

**Airport:** A publicly or privately owned facility licensed by the State of Michigan open for the landing or taking off of aircraft.

**Airport-Related Uses:** A use that supports or is supported by airport operations, including but not limited to; aircraft repair, aircraft maintenance, flight instruction, aircraft charter services, aircraft sales, aircraft rentals, aviation research, aircraft fueling, aircraft washing, and the storage or housing of aircraft.

**Alley:** A public way that only provides secondary means of access to abutting property and is not intended for general traffic circulation.

**Alterations:** Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

**Amusement Park & Fairgrounds:** An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment. This includes land and buildings used for the exhibition of livestock, farm products, etc., and/or a midway area for carnival-like entertainment

**Antenna:** A device designed to receive video programming services or to receive and/or send radio signals (including HAM, CB, or DARS) or fixed wireless signals, other than via satellite, which is attached to a structure.

**Antenna, Dish:** An antenna constructed in a concave shape designed to receive direct broadcast satellite service, including direct-to-home satellite television service, or to receive and/or transmit fixed wireless signals via satellite, which is attached to a structure.

**Antenna, Free Standing:** See Telecommunication Towers.

**Apartments:** A room or suite of rooms, with its own bathroom and kitchen accommodations, used or designed to be used as a residence as a self-contained dwelling unit.

**Apartment Building:** A structure arranged, intended, and designed with three or more apartment units, each containing its own separate kitchen, bathroom, and sleeping accommodations. This definition includes triplexes and quadplexes.

**Arterial Street:** A primary street or road, such as a Major Street in the Village's street network or a Primary Road in the County's network, which carries an uninterrupted flow of traffic.

**Asphalt/Concrete Plant:** A facility used for sorting, grading, storage, and/or mixing of aggregates for use in the production of asphalt and/or concrete. This includes administrative and office buildings associated with the facility, as well as storage of related equipment.

**Attached Single-Family Dwelling:** A dwelling that is joined to another dwelling on at least one wall or side.

**Auction Facilities:** A structure or portion of a structure where the public sale of goods, merchandise, and/or vehicles is offered for sale to the highest bidder.

**Barbed Wire:** Also known as "razor wire," is a type of fencing wire constructed with sharp edges or points arranged at intervals along the strand(s).

**Bars & Taverns:** A location with a "Class C" or "Club" license to sell and consume alcohol and mixed drinks on the premises, which does 50% or more of its gross revenue from the sale of alcohol.

**Basement:** A portion of a building which is partly below and partly above grade, but so located that the vertical distance from grade to the basement floor is greater than the vertical distance from grade to the basement ceiling. A basement shall not be counted as a story.

**Bed & Breakfast:** A single-family dwelling that has been converted into an owner-operated business where the parcel owner continues to reside on the property. The former single-family dwelling's primary use has been converted to provide not more than sixteen beds for transient lodging for overnight and temporary accommodations. Meals may also be prepared and provided for onsite to guests.

**Bedroom:** A fully enclosed portion of a Dwelling Unit designed and intended to be used for sleeping.

**Big Box Retailer:** A store that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser with at least fifteen thousand square feet (15,000) of gross floor area.

**Boat Launch:** A facility to launch and/or retrieve personal watercraft from a trailer.

**Boat Livery:** A commercial establishment providing boat hauling, launching, retrieving, and/or rental services

**Boathouse:** An accessory structure constructed either wholly or partially over water and designed primarily to provide shelter or storage for watercraft and related equipment.

**Borrow Pit:** An Accessory Use with an area for the excavation of sand or gravel where the volume of material extracted will be greater than 1,000 cubic yards and less than 10,000 cubic yards for use off-premises from where the minerals were extracted .

**Bowling Alley:** An establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area.

**Breezeway:** A roofed, often open-sided passageway connecting two separate structures, such as a house and a garage.

**Brewery:** A facility that brews over 5,000 barrels annually of fermented malt beverages such as ales, beers, meads, and/or similar beverages on-site for distribution and consumption off-site.

**Brewpub:** A restaurant that manufactures annually up to 5,000 barrels of fermented malt beverages on the premises for either consumption on-site or for wholesale.

**Building:** A structure, either temporary or permanent, having a roof supported by columns or walls used for the shelter, support, or enclosure of persons or personal property, including tents, awnings, or vehicles situated on private property. When any portion of a building is completely separate from every other part by division walls from the ground up, without openings, each part shall be deemed a separate building.

**Bulk Fuel Storage Center:** An establishment for the storage of petroleum products, in bulk and/or in packages for the distribution by tank car, tank vehicle or motor truck.

**Bus Depot:** A facility where the primary use is the handling and transfer of passenger traffic for motor-driven buses, including the associated loading and unloading of luggage.

**Business Office:** Establishments providing direct services to consumers, such as insurance agencies, title insurance companies, real estate offices, travel agencies, and other similar uses where there are no retail or wholesale goods offered for sale on-site.



Campground: An area that is occupied or intended or designed for occupancy by transients using recreational vehicles, motor homes, travel trailers, and/or tents for temporary quarters.

Carriage House: A structure consisting of a garage on the ground floor and a dwelling unit or apartment on the floor(s) above the garage.

Canopy Tent: A portable roof-like cover, supported from the ground or deck by posts or legs, which is used for protection from the sun or weather.

Carport: A freestanding accessory structure that has one or more open sides and a roof supported by posts or tubing, often times purchased as a kit.

Carwash: A structure or portion thereof used for the washing, waxing. And/and cleaning of passenger vehicles, recreational vehicles, or similar light duty equipment.

Child Care Center: A state-licensed facility other than a private home where one or more children are received for care and supervision.

Commercial Agricultural Enterprise: Land and structures which are part of a farm of at least forty acres (40) that is actively engaged in the commercial production or growing of crops, plants, or animals under Generally Accepted Agricultural Management Practices. Agricultural land includes woodland and wasteland that is a part of the farm unit.

Commercial Excavator: An industrial use that stores heavy equipment and trucks on-site for off-site work, which specializes in earth-moving activity, including but not limited to; drainage, water, and sewer line construction, septic systems, excavations, and other similar activity.

Clinic: A building or group of buildings (facility) where outpatients receive diagnosis and treatment by more than one person engaged in a licensed profession.

Community Care Retirement Facility: A facility or group of buildings collectively offering a combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of no fewer than twenty-one (21) senior citizens, generally being at least fifty-five (55) or more years of age, who need help with activities of daily living, which may or may not include a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, and where the emphasis of the facility remains residential. The facility may be licensed by the State of Michigan as a Home for the Aged (HFA).

Condominium: A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the State of Michigan.

Conservation Area: Land maintained for the preservation and protection of plants and/or wildlife.

Consignment Store: An enclosed facility in which used personal items such as clothes, jewelry, or artifacts, or small furniture is resold through a broker for the owner at an agreed-upon price.

Convenience Store: A small retail establishment usually located within or associated with another use, which offers for sale convenience goods, such as prepackaged food items, tobacco, groceries, alcohol, periodicals, and other household goods with a gross floor area of four thousand square feet (4,000) or less.

Crematories: A structure containing a properly installed and certified apparatus intended for use in the act of cremation.

Cyclone Fence: Also known as a "chain-link fence," is a fence primarily comprised of interlocking metal wire or plastic mesh in a diagonal, criss-cross, or diamond pattern.

Day Care Homes, Family: A private home in which one to seven (7) children are received for care and supervision.

Day Care Home, Group: A private home in which more than seven (7) but not more than fourteen (14) minor children or adult patrons are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children or adults related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year, and also Adult Day Cares.

Decorative Fence: A fence constructed of wood, vinyl, pickets, split-rail, wrought iron or other metal constructed for its beauty or decorative effect as incorporated in a landscaped area with a height of three feet (3') or less, and with an opacity of 50% or greater.

Distance: For the purpose of this zoning code, whenever a distance requirement is listed, it shall be from parcel line to parcel line, unless otherwise stated.

District: A portion of the Village within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provision of this Ordinance.

Dry Cleaning Plant: A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

Dumpster: A large bin, storage container, hamper, refuse container, roll-off cart, or roll-off box; in excess of 100 gallons utilized for the accumulation or storage of debris, trash, lumber, demolition materials, or other waste.

**Duplex:** A structure containing two dwelling units, each of which has direct access to the outside.

**Dwelling:** Any building, or portion thereof, used or designed for the residence of a person, or persons, with facilities for such humans to sleep, cook and eat; but not including motels, hotels, or tourist cabins.

**Dwelling Area:** Is computed using the area on all stories enclosed by the structure's foundation and walls, as measured from the exterior edges, excluding those foundation and walls areas required by porches, breezeways, attached garages, and the like. Area for manufactured housing units shall be computed using the manufacturer's length and width designations for that unit.

**Dwelling Length (Average):** shall be the average measured distance from the exterior edges of a structural foundation, excluding those foundation areas required by porches, breezeways, attached garages, and the like.

**Dwelling Proportion (Width to Length Ratio):** Dwelling proportion is calculated by dividing the square footage of the dwelling area of the ground floor (or second floor for Carriage Houses) by the longest side of the dwelling and the longest side perpendicular to the longest side.

**Dwelling, Single-Family:** A detached building designed and occupied exclusively by one family.

**Dwelling, Multi-Family:** A building, or portion thereof, used and designed to contain separate living quarters for three or more families, but which may have joint services or facilities.

**Dwelling, Two Family:** A detached or duplex building designed and occupied exclusively by two families living independently of each other; each family living in separate dwellings.

**Dwelling Unit:** One or more rooms designed or used as an independent housekeeping establishment for one family and containing kitchen facilities, including a stove or cooking device and a permanently installed sink, bathroom facilities and sleeping facilities.

**Dwelling Width (Average):** shall be defined as the dwelling area divided by the average dwelling length.

**Earth Berm:** An earthen dike protected with ground cover, used as a visual, sound or contamination screen.

**Economy Dwelling:** A primary dwelling unit that is between 400 square feet and 800 square feet in size, built on an approved foundation, meeting the State of Michigan's building and sanitary codes, and qualifying for a Certificate of Occupancy.

Electric Pet Fence: Commonly referred to as an "Invisible Fence," is a fence located predominantly underground that uses an electronic transmitter and collar receiver to confine pets to an area.

Escort Agency: Any establishment which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Essential Services: The erection, construction, alteration or maintenance of overhead or surface or underground gas, electrical, steam or water distribution or transmission or collection systems; communications systems; supply or disposal systems; including mains, drains, sewer, pipes, conduits, tunnels, wire cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for furnishing adequate service for the public health, safety or welfare by public utilities or municipal departments or commissions.

EV Ready: This means the installation of electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt outlet to an electric vehicle (EV) parking space.

Existing Lot: A parcel of land legally created prior to the adoption of this Ordinance.

Family, Single: For the purposes of this zoning code, a single-family means either of the following:

1. A domestic family is one or more persons living together and related by the bonds of blood, marriage, guardianship, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of the individuals being domiciled together as a single, domestic, housekeeping unit (and sharing only one common kitchen) in a dwelling.
2. The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable permanent bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must operate as a single housekeeping unit (and sharing only one common kitchen). The definition shall not include any society, club, fraternity, sorority, college students living together, association, lodge, coterie, boarding arrangement, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

Farm: Except as provided below, a farm is real property used for commercial agriculture comprising of at least 40 contiguous acres which may contain other non-contiguous

acreage, all of which is operated by a sole proprietorship, partnership or corporation and including all necessary farm buildings, structures, and machinery.

1. A tract may be considered a farm if it is between 5 and 40 acres, provided it is devoted primarily to agricultural use and has produced a gross annual income from agriculture of five hundred dollars (\$500) per year, per acre of cleared and tillable land.
2. A smaller tract may be considered a farm if designated by the Department of Agriculture as a specialty farm in one ownership, which has produced a gross annual income from agricultural use of five thousand dollars (\$5,000) or more.

Farm Animals/Fish: Fish and Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals.

Farm Building: Any building or accessory structure that is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and/or milk house.

Farm Operation: A condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to: Marketed products at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides and herbicides; and the employment and use of labor.

Farm Products: Those plants and animals useful to man and includes, but is not limited to: forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber or fur.

Farm & Heavy Equipment Sales & Service: Establishments selling, renting, or repairing agricultural machinery and equipment and/or excavation and construction machinery and equipment.

Feedlot (AFO): A lot or facility where animals are confined for a minimum of 45 days, or more, in any 12-month period and where crops, vegetative growth, forages or post-harvest residue are not sustained during the normal growing period over any portion of the lot or facility. This definition includes barns, coops, open concrete lots and fenced dirt lots stocked at a density that will not allow pasture to grow.

Fence: An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening, or confinement, but not including hedges, shrubs, trees, or other natural growth.

**Fence Height:** Is the distance from grade level to the highest point on the fence, including posts. Ornamental posts /end caps less than six inches (6") shall not be counted towards the total height of the fence.

**Filling Stations:** An above ground tank where flammable or combustible fuels are stored and dispensed for use off-site.

**Financial Institutions:** Any building wherein the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

**Fish Hatchery:** A facility devoted to hatching, raising, or rearing fish for use elsewhere.

**Flea Market:** An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

**Floor Area, Gross:** 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 not include the basement floor area except when more than one-half (½) of the basement height is above grade. "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, then (10) inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."

**Floor Area, Habitable (For Determining Minimum Building Size):** All horizontal floor area that has a minimum floor to ceiling height of seven feet (7') within the enclosed living space of a dwelling unit, measured from the interior faces of the exterior walls, provided, that usable floor area shall not include unfinished basements, cellars, unfinished attics, garages, breezeways, enclosed and/or unenclosed porches, space used for off-street parking, elevators, and accessory structures.

**Food Processing Plant:** Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and byproducts; (6) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent of food stores or restaurants.

**Footprint:** The area of a structure measured from the outside of all exterior walls.

**Fuel Storage Facility:** Facilities for the storage of propane and other related fuel sources solely for the personal, residential use of the owner or occupant of the lot it is located upon, and in no way shall fuel storage facilities include commercial sales.

**Funeral Parlor & Mortuaries:** A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**Gas Station:** Any place where petroleum products such as gasoline, motor oil, or diesel fuel are sold at retail, often times associated with a Convenience Store. Motor vehicle repairs may be made as a secondary activity if done inside a structure and there is no outside overnight parking or storage of vehicles being repaired or serviced

**Garage, Attached:** An area of a primary structure used primarily for the storage of self-propelled vehicles.

**Garage, Detached:** An accessory structure with a footprint equal to, or greater than, 288 square feet used primarily for storage for the occupants of the primary structure to which it is subordinate to.

**Garden Fence:** Is a fence or other barrier placed around a garden or other vegetation to shield and protect the garden or vegetation from pests.

**Gazebo:** A free-standing, open air sides, covered, Accessory Structure with a raised floor not used for storage or habitation.

**Golf Courses:** A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, equipment barns, maintenance facilities, and shelters as accessory structures and uses.

**Grade:** The established "grade" of the street or sidewalk shall be the elevation of the curb at the midpoint of the front of the lot. Where no curb exists, the grade shall be the average elevation of the street adjacent to the property line. When the word "grade" is used herein in relation to a building, it shall mean the line on the foundation wall where the ground meets or is intended to meet the wall.

**Grain Elevator:** A facility consisting of silos, conveyors, bucket elevators, storage bins, weighbridges, and associated administrative and office structures which acts as a central collection point for grain products for future distribution.

**Greenhouse, Commercial:** An enclosed facility constructed chiefly of glass or translucent material which is used for the growing of plants, all or part of which are sold at retail or wholesale.

**Health Professional Offices:** An establishment used for the diagnosis, treatment, and care of human beings. This includes but is not limited to; doctor offices, dental services, chiropractors, urgent care, and clinics.

**Height, Structure:**

1. **Primary Structure:** The vertical distance measured from the mean elevation of the finished grade line of the ground at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and the mean height level between eaves and ridge for gable, hip and gambrel roofs. All antennas, chimneys, and vents shall not exceed the maximum allowed height in the district where the primary structure is located.
2. **Accessory Structure:** The vertical distance measured from the highest point on the structure, excluding chimneys, to the mean finished grade abutting the structure on the side that faces the front yard.

**Home Occupation:** Is an occupation, profession, activity, or use that is clearly secondary in nature and accessory to a property that is primarily used as a dwelling. The Accessory Use shall be incidental and subordinate to the principal use of the building or property for residential purposes.

**Hospice Home:** A residential facility providing palliative and supportive medical and health services to meet the needs of the terminally ill and their families in a residential setting.

**Hotel/Motel:** A structure where a series of attached, semi-attached, or detached rental units containing a bedroom, bathroom, and closet space wherein each unit has a separate individual entrance where persons acquire temporary lodging on a transit basis.

**Household Pets:** Any domesticated dog, cat or other animal kept for protection, companionship or hunting purposes, provided they are not kept, bred or maintained for commercial purposes.

**Houses of Worship:** This term shall apply to any religious use, including but not limited to churches, synagogues, mosques, and accessory facilities such as assembly halls, auditoriums, gymnasiums, and other like uses.

**Hunting & Gun Club:** A structure or premises where there are facilities of any sort designed for the discharge of firearms or the taking of game animals through sport.



**Impervious Surface Coverage:** The percentage of area of a parcel covered by impervious surfaces such as, but not limited to, asphalt, concrete, brick, paving block, roofing, plastic, or any other such similar material or surface which does not readily absorb water.

**Indoor Recreation Centers:** An establishment that provides recreation opportunities such as but not limited to indoor tennis courts, indoor skating rink or similar forms of indoor commercial recreation that is not defined elsewhere in this code.

**Junk:** This shall mean the storage or accumulation of any junk, trash, garbage, rubbish, or refuse of any kind, or any abandoned, discarded, unusable, or unused objects or equipment of any kind outdoors. The term "junk" shall include, but is not limited to, broken or unusable furniture, mattresses, stoves, refrigerators, freezers, or other appliances stored in the open; cans, implements, parts of motor vehicles, machinery, unmounted motor vehicle tires, cloth, rubber, bottles, any metals, boxes, cartons, or crates, remnants of wood, metal, or any other materials, broken toys and bicycles, broken lawn furniture, and other castoff material of any kind whether or not the same could be put to any reasonable use.

**Junkyard:** An area either open or enclosed where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, wood, and bottles.

**kennel, Boarding:** An establishment where pet animals owned by another person are temporarily boarded for pay or other compensation, trained, and/or groomed.

**Landscaping Contractor:** A commercial use that uses, and stores on-site, lawn equipment and similar small engine machinery that engages in providing work off-site to clients.

**Laundromat:** A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises. As well as an establishment that launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

**Live-Work Structure:** A dwelling unit used for both dwelling purposes and any non-residential use permitted in the zoning district in which the unit is located, employing not more than two persons who do not reside in the unit are on the premises.

**Lot:** A lot is a parcel of land, of at least sufficient size to meet minimum requirements for use, coverage, and lot area, adequate to provide such setback area and other open space as required by this Ordinance. Such lots shall have frontage on a designated street, road right-of-way, or easement and may consist of:

1. A measured portion of a parcel or tract of land which is described and fixed in a recorded plat.
2. A parcel or tract of land of continuous area described by metes and bounds.

**Lot, Corner:** A lot situated at the intersection of two or more streets having an angle of not more than 135 degrees.

**Lot Line:** The line which defines the boundaries of a lot or parcel of land.

**Lumberyard:** An establishment where lumber and other building materials such as brick, tile, cement, insulation, roofing materials, and the like are sold at retail. The sale of items, such as heating and plumbing supplies, electrical supplies, paint, glass, hardware, and wallpaper is permitted at retail and deemed to be customarily incidental to the sale of lumber and other building materials at retail.

**Manufacturing, Heavy:** An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having the potential to produce noise, dust, glare, odors or vibration beyond its property line.

**Manufacturing, Light:** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

**Manufacturing, Medium:** The manufacturing of products from processed or unprocessed raw materials, where the finished product is noncombustible and nonexplosive. Examples include but are not limited to the production of the following: glass products made from manufactured glass; clay and pottery products; computer hardware; products made from rubber, plastic, or resin; converted paper and cardboard products; fabricated metal products made from semi-finished metals.

**Manufactured Home:** A factory-built, single-family dwelling that is manufactured under the authority of the National Mobile Home Construction and Safety Standards Act, as amended and enforced by the federal Department of Housing and Urban Development. A Manufactured Home is transportable in one or more sections, is built on a permanent chassis; is, or can be, titled by the State of Michigan as a "mobile home"; and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

**Marina:** Waterfront establishments whose business is offering the sale or rental of boats and marine sporting equipment and the servicing, repair, or storage of same. Such establishments may also provide, slip rental, gasoline, sanitary pump-out service, food and drink accommodations.

**Massage Establishments & Health Clubs:** Any establishment where massage, steam baths, shower baths, and similar are made available. This does not include:

- A duly licensed medical doctor, osteopath, chiropractor, nurse, or physical therapist; or,
- A person engaging in the practice of massage on his/her spouse or relative within the first degree of consanguinity; or,
- A barber, manicurist, beautician or cosmetologist who is duly licensed who practices within the established limits of his/her license, and who administers massage in the normal course of her/her duties upon the face, hands, feet, or neck; or,
- A masseur or masseuse who has graduated from a school of massage licensed by the state, or another state with equivalent standards of at least 500 class hours of education, and current professional membership in the American Massage Therapy Association

**Modular Home:** A factory-built, single-family dwelling other than a Manufactured Home, which meets all of the following requirements: is designed only for erection or installation on a site-built permanent foundation; is not designed to be moved once so erected or installed; and is designed and built to comply with the State of Michigan Residential Building Code.

**Motor Vehicle Repair:** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision services, such as body, frame, or fender straightening and repair, overall painting, vehicle rust-proofing, and any related activities

**Motor Vehicle Sales:** A retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

**Motor Vehicle Service:** An establishment that provides minor repairs to any motor vehicle, including repairs and replacement of cooling, electrical, fuel, and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers, but not bodywork.

**Multi-family Dwelling:** A structure containing four or more individual and independent dwelling units.

**Multimedia Production & Broadcast Facility:** A location for the staging, filming, recording, and/or broadcasting of video or audio productions. This includes but is not limited to music, commercials, motion pictures, radio, television shows, and other related media.

**Non-Conforming Structure, Lot or Use:** Any lot, use, structure or portions thereof, lawfully existing at the time this Ordinance became effective and which does not comply with its regulations or any subsequent amendments thereto.

**Nude Model Studio:** Any establishment where a person displays any specified anatomical area as provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by another person. This does not include an educational institution funded, chartered, or recognized by the State of Michigan.

**Nuisance:** Any condition or use of premises or of building exteriors, which is unsightly or detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises are located.

**Nursery:** An establishment for the indoor or outdoor growing, cultivating, harvest, and/or display of plants, shrubs, and other similar materials and associated supplies for sale on-site.

**Open Space:** Any unoccupied space, devoid of structures and open to the sky on the same lot as a building.

**Ordinary High Water Mark:** The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent remodel or abandonment of a dam, it means the natural, ordinary high water mark.

**Outdoor Recreation Facilities:** Outdoor recreational facilities shall include nature centers, riding stables, wildlife sanctuaries, conservation clubs, and other similar uses not defined elsewhere in this code.

**Parking Area:** Any area, other than a street or other public way, used for the parking of motor vehicles. A parking area may be accessible for public or private use as accommodation for residents, clients, customers or employees licensed motor vehicles.

**Parking Space:** A hard-surfaced area readily accessible by motor vehicles being not less than 200 square feet and shaped satisfactorily for such use. All parking spaces other than those for single-family or duplex dwellings shall provide adequate access by means of maneuvering lanes so that backing directly onto a street is unnecessary. In addition, adequate radii shall be provided to other vehicles necessary to service the site. All maneuvering lanes in off-street parking areas must be wide enough to permit at least one-way traffic movement so that ingress/egress to or from any parking space may occur independently of on-site parking by another vehicle. A parking space is exclusive of access

drives and aisles and is not located on a public street or alley right-of-way. Spaces in tandem shall count as one space.

**Pawn Shop:** An establishment that engages in, in whole or in part, in the business of loaning money on the security of personal property as collateral.

**Payday Loan & Check Cashing Service:** A person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "Check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. "Check cashing facility" also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for a minimum flat fee not exceeding two dollars as a service that is incidental to its main purpose or business.

**Pergola:** An outdoor feature forming a shaded walkway, passageway, or sitting area of vertical posts or pillars that usually support cross-beams and a sturdy open lattice or covered roof.

**Person:** Any individual, partnership, association, or corporation or other entity to which the law assigns rights, duties, and responsibilities.

**Personal Service Establishment:** Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

**Pet Enclosure:** Also known and sold as a "pre-fabricated kennel," is a cyclone fence style enclosure that utilizes panels connected in a fashion to confine a pet to an area.

**Picket Fence:** A fence made of wood, wood composite, vinyl, wrought-iron, or similar material which uses slats, or similar materials between posts.

**Planned Unit Development:** A development that permits integrated and coordinated residential dwellings and/or certain non-residential uses all to be developed according to approved plans as provided in Chapter 1282.

**Playground:** An area developed for active play and recreation that may contain courts for such games like basketball or tennis as well as play apparatuses.

**Pole Construction:** A method of construction, usually for barns and other accessory structures, which use poles or pressure treated posts set into the ground to form a pier foundation.

**Predatory or Wild Animals:** Any animal not bred by humans or any animal which is likely to cause the death, maiming or illness of a human, including but not limited to the following animals: Alligator, Bee, Badger, Dog (wild family), Primate, Bear, Ferret, Skunk, Cat (wild family), Coyote, Snake, Lizard (poisonous) Weasel, and Wolf.

Primary Use: The principal or predominant use of a parcel or structure.

Print Plant: An establishment involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

Private Cemetery: A state-licensed location dedicated to the burial and interment of human or animal remains and/or cremated remains, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such a cemetery.

Privacy Fence: A solid fence that creates an opaque wall or screen which prevents views across the fence line.

Privacy Panel: Is a non-enclosure partition constructed in the style of a privacy fence, which is designed and placed in such a manner to prevent inward views to a certain area, or to screen the view of an un-aesthetic feature such as a propane tank.

Private Parks: A tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc. for active and/or passive recreational purposes.

Public Use: Government-owned facilities to which the public has access such as public parks, schools, administrative buildings, or government-owned facilities where the public has limited or no general access which store equipment used for providing service to the public.

Public Utility Facilities: A facility including buildings, service yards, transformer stations, and substations used by a public utility company regulated by the Michigan Public Service Commission.

Quarry: A mineral extraction industries which includes earth removal, gravel processing, mining and related mineral extraction businesses. Borrow Pits authorized by this Zoning Ordinance are not considered as a Quarery. The area or volume for the excavation of sand or gravel will be equal to, or greater than, 10,000 cubic yards or has an area of soil distrubabnce greater than three acres in size.

Racetrack: A measured course where animals or machines are entered in competition against one another or against time, including tracks used only in the training of animals.

Recreational Vehicle: A vehicular transportable structure mounted on wheels that is self-propelled or towed by a motor vehicle, and which is designed to provide temporary living quarters for recreational, camping or travel use. This definition includes, but is not limited to, portable structures commonly known as: motor homes, travel trailers, travel homes, fold-down campers, truck-mounted campers, converted buses and fifth wheels.

Recycling Drop-off Sites: A designated site where residents may bring sorted, recyclable materials for processing and handling, which shall be operated in a manner that will control litter and pestilence.

Research Facility: An establishment that conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes but is not limited to a biotechnology firm or a manufacturer of nontoxic computer components.

Restaurant: A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 50 percent of the gross sales receipts for food and beverages.

Restaurant, Drive-thru: Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

Retail Establishment: A commercial enterprise with a gross floor area of seven thousand five hundred square feet (7,500 ) or less that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Right-of-Way: A street, alley, thoroughfare, or easement permanently established for the passage of persons or vehicles.

Roadside Stands An accessory structure for the seasonal retail sale of agricultural products grown and harvested on-site with no space for customers within the structure itself.

RV, Trailer, Watercraft Service & Storage: An establishment which provides for the outdoor storage of personal recreational items and vehicles stored in a secure manner typically by the use of a fence. This includes associated administrative and office buildings, as well as buildings that provide for the indoor storage of recreational items and vehicles.

Salvage Yards: An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. Waste items shall include, but shall not be limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. Salvage yards shall also include the dismantling, storage, salvaging, or repair of automobiles or other vehicles or of machinery or parts thereof.

Sawmill: A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

School; Public, Parochial, or Private: Any public or private school where educational instruction is provided for youths in grades Kindergarten through grade 12 graduation.

**School, Vocational:** An educational institution which provides specific technical skills and training to perform a trade or craft for professional purposes rather than general academic studies.

**Screen Tent** – A portable enclosure, supported from the ground or deck by posts or legs, having sides which primarily constructed of screen material, which is used for protection from the sun or weather.

**Self-Service Storage Facility:** A building or group of buildings divided into separate individual units which are rented or leased for the storage of personal property.

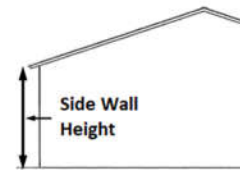
**Setback, Structure:** The minimum linear distance by which any portion of a structure has ground contact must be separated from the property line or other structures.

**Shed:** An accessory structure often purchased pre-built or part of a kit in pre-fabricated sections with a footprint equal to, or less than, 240 square feet used for storage.

**Shipping Container** - A standardized re-sealable metal transportation box for unitized freight handling with standardized equipment with strength suitable to withstand shipment, storage, handling, and reuse.

**Shopping Center:** A group of at least two units available for individual commercial establishments planned, constructed, and managed as a single property with shared off-street parking.

**Side Wall Height:** The vertical distance from the grade level along the wall to any point on the roof as illustrated on the image to the right.



**Sign:** Any announcement, declaration, display, illustration, or insignia used to advertise or promote the interests of any person, product or project when the same is placed, painted or displayed out of doors in view of the general public. Signs are regulated and defined in more detail in Chapter 632 of the Codified Ordinances.

**Single Ownership:** Ownership by one or more persons, whether jointly as tenants as a whole or as tenants in common, of a parcel of real property.

**Single-wide Mobile Home:** A transportable single-family dwelling that is less than twenty feet (20') in average width that may be placed without a permanent foundation which is regulated by the Department of Housing and Urban Development. This includes factory-built homes prior to June 15, 1976; and manufactured homes built on or after June 15, 1976.

**Small Box Retailer:** A store that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises



by the purchaser with at least seven thousand five hundred square feet (7,500) of gross floor area but not more than fifteen thousand square feet (15,000) of gross floor area.

**Small Cell Wireless Facility:** a wireless facility that meets both of the following requirements:

1. Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.
2. All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

**Snow Fence:** A temporary light-weight fence of wood or plastic lath and/or wire erected to control the drifting of snow.

**Soil Removal:** Shall mean the removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock, or similar materials, except for common household gardening and general farm care.

**Solar Energy Collector:** A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy, and that contributes significantly to a structure's energy supply.

**Solar Energy Facility:** A facility with equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

**Solid Waste Facility:** A facility for the purpose of treating, burning, compacting, composting, storing, or disposing of solid waste material, including garbage, sewage, trash, rubble, construction debris, and all other kinds of organic or inorganic refuse.

**Special Land Use:** Any use of land listed in the Zoning Code which, due to its potential effect on adjacent lands in particular, and the overall Village in general, requires additional final approval by either the Lake Isabella Planning Commission or Lake Isabella Village Council according to the standards as provided in this Article.

**Specified Anatomical Areas:** Less than completely covered (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the

areola. Also, human male genitals are in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic region, or buttock or female breast.

Split-rail Fence: Also known as a "corral fence," is a fence constructed out of timber logs, usually split lengthwise into "rails" and often connected by timber posts, typically used for agricultural or decorative fencing, or to define a property line.

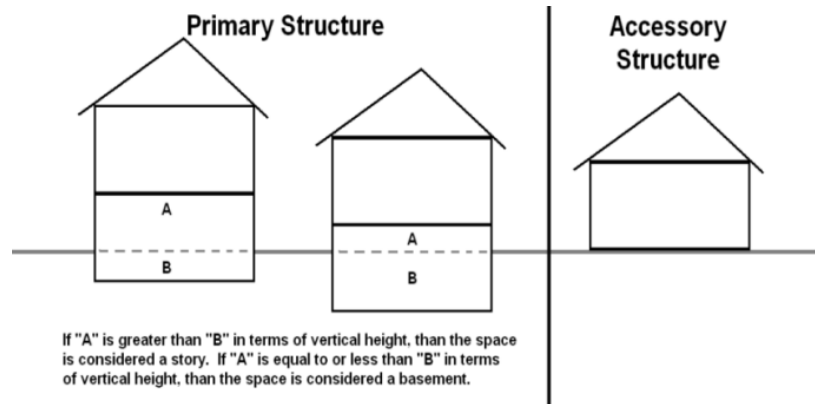
State Licensed Mobile Home Parks: Mobile home park means a parcel or tract of land under single ownership which three or more mobile or manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park in accordance with the Mobile Home Commission Act 419, Michigan Public Acts of 1976 as amended.

Stick-built: A structure or dwelling constructed entirely or largely on-site; that is, built on the site which it is intended to occupy upon its completion rather than in a factory or similar facility. Structures that are custom-designed or built according to stock plans are considered stick-built so long as they are constructed on-site. "Stick-built" includes panelized housing which consists of factory-produced wall panels constructed approximately eight feet high and four to forty feet in length.

Storage Pod – A standardized re-sealable container utilized for temporary storage purposes or moving, usually made from panels made of steel skins and a high-density polyethylene core and are commonly produced in three sizes: approximately 8-by-7-by-7 feet, 8-by-8-by-12 feet and 8-by-8-by-16 feet.

Storage Tent – A portable enclosure typically commercially sold as a kit, supported from the ground or deck by posts or legs, which is used to temporarily or seasonally store items for protection from the sun or weather

**Story:** The portion of a structure, other than a basement, between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story.



**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or anything attached to something having a permanent location on the ground.

**Studio and Workshops:** An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

**Supermarket:** A store primarily selling fresh food, prepacked food, food prepared onsite, as well as other convenience and household goods, often times with a pharmacy.

**Swimming Pool:** A constructed basin or structure for the holding of water for swimming and aquatic recreation. The term "Swimming pool" does not include plastic, canvas or portable rubber pools temporarily erected upon the ground and holding less than 1,200 gallons of water. Natural or man-made ponds are not considered swimming pools.

**T-Lot:** The following single lots, as originally platted, are considered "T-Lots:" Lake Isabella North lots 55 through 73, Lake Isabella North lots 119 through 128; Lake Isabella Golf Estates II lots 329 through 347, and Lake Isabella Plat 3 lots 301 through 316. Parcels that are comprised of more than a single originally plat lot shall not be considered a "T-Lot."

**Tattoo Parlor:** An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**Telecommunication Tower:** An antenna and associated mechanical equipment, including accessory structures, which are used for a wireless communications network.

Temporary Facilities: Items such as dumpsters, portable toilets, tool cribs, and other similar items incidental to permitted or temporary work or construction activity.

Tempprary Structure: A non-permanent and subordinate structure. A Temporary Structure is typically a moveable, often tent-like shelter intended to provide or actually providing protection from the elements for stored materials, vehicles, or other items or persons, for which a building permit is not required. This includes tents set up for special occasions, screenhouses, and other such seasonal, recreational enclosures.

Temporary Vendor: A temporary vendor is a temporary use conducted by a person or business that engages in the selling of goods, wares, or merchandise that conducts business from a temporary structure or vehicle such as a tent, truck, cart, trailer, or other area outside of a permanent structure.

Theaters & Assembly Halls: A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances; as well as a facility available for rent which is used for assemblies, banquets, celebrations, group meetings, and similar events which may also include exhibition space.

Townhouse: A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

Tow Services: An establishment that provides for the removal and temporary storage of vehicles, including an outdoor storage yard, but does not include the disposal or permanent disassembly or salvage of vehicles.

Use: The purpose by which a structure or parcel is permitted, utilized, employed, or occupied.

Variance: A modification of the literal provisions of the zoning code granted when the strict enforcement of the zoning code would cause undue hardship owing to circumstances unique to the individual property for which the variance is requested. A variance shall not include an allowance for uses other than those permitted in a zoning district, but rather a variance shall only encompass a modification of the dimensional aspects of the zoning code.

Veterinary Clinic: An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Including the short-term boarding of such animals, which may be necessary as a result of the animal's medical or surgical care.

Warehouse, Distribution: A transportation facility where goods are received, sorted, and/or stored for delivery or shipment to customers elsewhere without undergoing the manufacturing process on-site.

Warehouse, Retail: A retail establishment selling only specific brands of the parent company at discounted prices.

Wedding Venue: An establishment that provides the facilities and may also offer other event related services for weddings on a commercial basis. This does not include churches and similar congregations where weddings are an ancillary use.

Wind Turbine: A wind energy conversion device that produces electricity; typically three blades rotating about a horizontal axis and positioned up-wind of the supporting tower.

Winery: A facility used for the commercial purpose of the processing of fruit and/or vegetable products into wine or similar spirits with an annual volume of 5,000 cases or more. Processing includes crushing, fermenting, blending, aging, storage, bottling, tasting, retail sales, wholesaling, and associated administrative and warehousing structures associated with the processing.

Winery, Boutique: An establishment that produces less than 5,000 cases of finished wine annually. This includes processing through crushing, fermenting, blending, aging, storage, bottling, tasting, retail sales, wholesaling, and associated administrative and warehousing structures associated with the processing.

Wireless Communication Equipment: the set of equipment and network components used in the provision of wireless communication services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless Communication Support Structure: a structure that is designed to support or is capable of supporting wireless communication equipment. A wireless communication support structure may include a monopole, lattice tower, guyed tower, water tower, utility pole, or building.

Yard: An area of a parcel unoccupied at grade between a structure and the adjoining property line. In the absence of a primary structure on the parcel, no yards are considered to be established.

1. Front yard/Street Yard. The required open space area across the full width of a parcel extending into the parcel from the nearest public or private right-of-way. Yards shall be measured from the road right-of-way line to the nearest portion of the structure.
2. Rear Yard/Waterfront Yard. The required open space area across the full width of a parcel extending into the parcel from the rear parcel line to the primary structure.
3. Side Yard. The required open space area extending from the front/street yard to the rear/waterfront yard along each side of a parcel.
4. Secondary Street Yard. The required open space area across the width of a parcel extends from a public or private right-of-way, which is not used as the parcel's street

frontage for access. Yards shall be measured from the road right-of-way line to the nearest portion of a structure.

Zoning Administrator: The administrative official appointed by the Village Council responsible for enforcing the zoning code of the Village of Lake Isabella.

Zoning Board of Appeals (ZBA): (Also known as the Board of Appeals.) Is the body that hears appeals on administrative decisions, variance requests, and interprets the provisions of this Ordinance. The ZBA fulfills any other duties delegated to it by this or any other properly adopted ordinance in the Village of Lake Isabella under the provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended).

Zoning Code: Shall mean the Article XII of the Village of Lake Isabella Codified Ordinances.

Zoo: Also known as an “Animal Sanctuary,” is any lot, building, structure, enclosure, or premises where two or more wild animals, whether such keeping is for pleasure, profit, breeding, species protection, or exhibiting, and including places where two or more wild animals are boarded, kept for sale, or kept for hire, or are kept by any person, other than a municipal corporation, the United States, the state, or any political subdivision thereof.

## ADMINISTRATION

- 1. Zoning Official.** The Village of Lake Isabella shall employ a Zoning Administrator to act as its officer to effectively administer this code. The Village Council shall establish the term of employment, rate of compensation, and any other conditions of employment. Unless otherwise adopted via ordinance of the Village Council, the Village Manager shall act as the Zoning Administrator and Chief Code Enforcement Officer.
- 2. Zoning Permit Required.** No structure, or part thereof, shall be erected, raised, moved, reconstructed, extended, or enlarged without first applying for and obtaining a zoning permit from the Zoning Administrator. An exception to this is an accessory building or portable structure of less than 200 square feet in area, which shall not require a zoning permit as long as the placement of said building conforms to setbacks and height requirements of the district in which they are located. No structure or land shall be used or occupied in nonconformance with the provisions of this code. The Zoning Administrator shall not issue any permit for a parcel where there is an outstanding violation of the zoning code, except for any legally existing non-conformity.
- 3. Inspections.**

  - A. Before any new structure, including an accessory structure over 288 square feet, may be used or occupied, the structure shall be inspected by the Zoning Administrator or his/her designee to confirm that the structure was completed in accordance with the provisions of the zoning code and issued a permit. This inspection shall occur no later than one year after the date of issue of the permit unless an extension has been granted for the completion of the structure. In such case, the final inspection shall be determined as part of the permit extension.
  - B. For changes in use to all or parts of any structure outside of a residential district, there shall be an inspection or review made by the Zoning Administrator or his/her designee to confirm that the change in use is in conformance with the provisions of the zoning code of the Village of Lake Isabella. This process shall be initiated by the occupant of such a structure and shall be done with the submission of a zoning application to the Village.
- 4. Fees**

  - A. Fees charged to cover the costs of administering this zoning code shall be established by resolution of the Village Council. No application shall be accepted or permit approved unless such a fee has been paid in full. For the construction of any new dwelling after the effective date of this ordinance, there shall be an additional pro-rated fee added to the zoning application to cover the costs of any

- recycling or solid waste program being operated within the Village. This pro-rated fee shall be set by resolution of the Village Council.
- B. A person undertaking and commencing a use without the proper permit is subject to all the penalties in this Chapter. Instead of commencing prosecution, the zoning official shall have the option to issue a zoning permit and to charge a double fee, therefore.
- C. Fees shall be established by the Village Council for the following:
1. Special Land Use Permits
  2. Rezoning Requests
  3. Site Plan Review
  4. Variance Applications
  5. Appeals
  6. Zoning Permits
  6. Other appropriate fees as determined by the Village Council. Nothing contained herein shall prevent the Zoning Administrator or the Planning Commission from recommending adjustments to current fees charged by the Village, or the creation of new fees to be used to cover the costs associated with administering the zoning code of the Village.
- D. Additional fees for special public hearings or meetings of the Planning Commission that are requested by applicants of rezoning or special use requests shall be charged to cover the costs of required notices and membership per diem for the meetings or hearing.
- E. To ensure compliance with the zoning code of the Village and any conditions imposed by the Planning Commission or Zoning Board of Appeals, a performance guarantee may be required as part of the approval of any site plan or permit. This performance guarantee shall be in the form of a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Village Clerk that covers the estimated costs of improvements to ensure the accurate completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Village shall not require the deposit of the performance guarantee until the Village has approved issuing the permit. The Village Council may adopt procedures that establish how any monies are to be refunded on a pro ratio scale as construction progresses on any given project with a performance guarantee. Upon completion of the project, the applicant shall submit to the Village written notice of such completion and the Village shall review the finished work and notify the applicant of additional work needed for completion, complete the work itself with any monies from the



- performance guarantee, or refund the remaining balance of the performance guarantee.
- 5. Time.** The Planning Commission shall determine the length of time required for the following applications to be submitted in advance before being considered by the Village. An application shall not be accepted if the Zoning Administrator determines it to be incomplete in any manner.
- A. Appeal
  - B. Site Plan Review
  - C. Special Land Use
  - D. Variance
  - E. Zoning Application/Rezoning
  - F. Zoning Permits
- 6. Violations and Penalties**
- A. Municipal Civil Infraction. Any owner, agent, contractor, lessee, or occupant of any parcel or structure where a violation of the provisions of this code has been committed or exists may be held responsible for such by a municipal civil infraction and prosecuted in accordance with the Municipal Civil infractions Ordinance, chapter 222 of the codified ordinances of the Village of Lake Isabella, as amended. Fines shall be established and imposed as set forth as provided by the Municipal Civil Infractions Ordinance, as amended, Chapter 222 of the codified ordinances of the Village of Lake Isabella. Each day that a violation is permitted to exist shall constitute a separate offense.
  - B. Stop Work Order. If the Zoning Administrator determines that development activity is occurring which has not been permitted, a Stop Work Order may be issued stopping all development activity on the property or structure. A violation of a Stop Work Order shall be deemed a separate and additional violation to any other violations cited.
  - C. The owner or tenant of any structure, or part thereof; parcel, or part thereof; architect, builder, contractor, agent or another person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
  - D. Nothing here contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation, nor shall the imposition of any fine or jail sentence, or both, exempt the violator from compliance with the provisions of this code.

- 7. Additional Remedies.** In addition to the above remedies, the following additional remedies may be instituted.
- A. The Zoning Administrator may institute any appropriate action or proceedings to prevent any erection, construction, alteration, repair, maintenance, or use of any building or premises constituting a violation of any of the provisions of this ordinance; to restrain, correct, or abate such violation; to prevent any unlawful act, business activity or other use in or about such premises.
  - B. The Zoning Administrator, or any code enforcement officer, is specifically authorized and empowered to issue and serve notices of violations, warnings, and tickets based on probable cause, to any person, business, or organization in violation of any of the provisions of this zoning ordinance and for which a fine, imprisonment or both may be levied as a result of such violation.
- 8. Public Notice Procedures.** All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act Public Act 110 of 2006, as amended, and other provisions of this zoning code, the Open Meetings Act Public Act 276 of 1976, as amended, the Charter of the Village of Lake Isabella, and other applicable laws of the State of Michigan.
- 9. Exclusive Zoning Control.** The zoning code in the Codified Ordinances of the Village of Lake Isabella shall be the exclusive and mandatory zoning regulation controlling land use within the incorporated boundaries of the Village of Lake Isabella.

## PLANNING COMMISSION

1. **Establishment & Purpose.** In accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and Section 6.08 of the Charter of the Village of Lake Isabella, the Village Council hereby creates a Planning Commission for the Village of Lake Isabella with the powers, duties, and provisions included in this Chapter and also provided for by statute.

The Planning Commission currently existing, as authorized by the Charter of the Village of Lake Isabella, shall continue to serve in its official role subject to provisions of this ordinance and the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and shall act as the Zoning Commission for the Village of Lake Isabella, as provided for under the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

### 2. Membership & Terms of Office

- A. The Planning Commission for the Village of Lake Isabella shall be comprised of seven members.
  1. One of the members of the Planning Commission shall also be a member of the Village Council, serving in an ex-officio capacity. This member shall be appointed by the Village Council and shall serve on the Planning Commission until the next organizational meeting of the Village Council, where the election of officers occurs as detailed in Section 5.07 of the Village Charter, or until such member is no longer a member of Village Council, whichever comes first.
  2. The membership of the Planning Commission shall, to the extent that is practical, be representative of important segments of the Village, such as the economic, governmental, educational, and social development of the Village, in accordance with the significant interests as they exist in the Village such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership of the Planning Commission shall also, to the extent that it is practical, be representative of the entire geography of the Village.
  3. The authority to appoint members of the Planning Commission shall be vested in the consent of a majority of the Village Council present at any such meeting after a nomination has been made by the Village President.
- B. Membership on the Planning Commission shall be limited to electors of the Village of Lake Isabella, except that as only provided for by the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, one member of the Planning Commission may be a non-resident of the Village of Lake Isabella.
- C. One member of the Planning Commission that is an elector of the Village of Lake Isabella shall annually be appointed by the Village Council to be a member of the Zoning Board of Appeals.

- D. With the exception of the ex-officio member of the Planning Commission, the term of office for all other members of the Planning Commission shall be for three years. Terms shall take effect on July 1<sup>st</sup>. If a term of office for a member of the Planning Commission expires and the Village Council has not appointed a successor, that member shall continue to serve until a successor is appointed.
- E. A member of the Planning Commission may be removed from the membership of the Planning Commission for malfeasance of office only upon the recommendation of the Village President and by a majority vote of the Village Council. The removal shall only occur after a public hearing has been held that provides the Planning Commission member in question the opportunity to be heard before the Village Council.
- F. Any member of the Planning Commission who is absent without being excused by the affirmative vote of the Planning Commission for three consecutive meetings, or a total of 30% of the regular meetings of the Planning Commission for a twelve-month period, shall be deemed to have vacated their membership on the Planning Commission.
- G. Members of the Planning Commission shall have a duty to vote on all items of business considered by the Planning Commission except for those items of business where a member has been excused for having a conflict of interest. If a member of the Planning Commission feels that they may have a conflict of interest on any particular item of business, that member shall state the reason for the conflict and request to be excluded from action and/or discussion for that particular item of business by a majority vote of the remaining members of the Planning Commission.

**3. Compensation.** The Village Council may, by resolution, provide for the rate and frequency of compensation for all members of the Planning Commission.

**4. Organizational Requirements**

- A. The Planning Commission shall adopt bylaws that cover such routine duties including, but not limited to:
  - 1. Election and duties of officers.
  - 2. The establishment, purpose, and creation of ad-hoc and sub-committees, the members of such committees do not need to be members of the Planning Commission.
  - 3. Parliamentary procedure at meetings and public hearings.
  - 4. The ability to call special meetings.
- B. The Planning Commission shall annually elect from its members a Chairman and a Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall have the authority to conduct meetings of the Planning Commission and sign documents

- pertaining to the Planning Commission, such as, but not limited to, site plans and zoning maps.
- C. The Planning Commission shall also appoint a Secretary from among its members.
  - D. The Planning Commission shall meet at least four times annually to conduct business.

## 5. Duties

- A. To prepare an annual report to the Village Council that highlights its operations, the status of planning activity, goals, and other information that the Planning Commission deems appropriate.
- B. To prepare and recommend to the Village Council for approval a Master Plan for the development of the Village of Lake Isabella and to update such plan at least once every five years.
- C. To make recommendations to the Village Council on all proposed zoning ordinances.
- D. To review and approve any of the following capital improvement projects in an area of the Village covered by the Master Plan: The creation of, or widening of, any public street; or the construction or authorization of any new public building or structure.
  - 1. If the Planning Commission does not act upon a proposed capital improvement project as required by this Chapter within sixty (60) days, the proposed project will be deemed to have been approved.
  - 2. If the Planning Commission does not approve a capital improvement project as outlined in sub-section (4) of this chapter of the codified ordinances of the Village of Lake Isabella, the Village Council or other public body that has financing authority over such project, may overrule the Planning Commission upon a 2/3 vote of the members of the Village Council or other such body with financing authority.
- E. Review and recommend approval, modification, or disapproval of proposed plats.
- F. Review and act upon various zoning applications such as, but not limited to, Site Plans and Special Land Use permits as provided for in the zoning code of the Village of Lake Isabella.
- G. To recommend to the Village Council fees and charges to cover Village expenses to applicants for various planning and zoning applications.
- H. Other duties and functions may be specifically prescribed by statute, charter, ordinance, or resolution.

## ZONING BOARD OF APPEALS (ZBA)

- 1. Purpose.** The purpose of this Chapter is to provide guidelines, standards, and procedures to be followed by the Lake Isabella Zoning Board of Appeals and by aggrieved persons or parties seeking relief from the application of the zoning code. The following procedures provide an appeal mechanism for circumstances that prohibit compliance with the zoning requirements, as well as procedures for interpreting the language of the zoning code and map.
- 2. Establishment.** There is hereby established a Zoning Board of Appeals for the Village of Lake Isabella (ZBA), which shall perform its duties and exercise the powers granted to it herein as provided by Public Act 110 of 2006, as amended.
- 3. Organization & Membership**
  - A. The ZBA shall be comprised of five (5) regular members and up to two (2) alternate members. However, no more than five (5) members shall act on a particular case or appeal.
  - B. One of the five (5) regular members shall be a member of the Planning Commission for the Village of Lake Isabella, and one (1) regular member may be a member of the Village Council.
  - C. Terms for members of the ZBA shall be for three (3) years, except for a member of the Planning Commission or Village Council whose term on the ZBA shall coincide with their term on the Planning Commission or Village Council or the election of officers for the Planning Commission or Village Council, whichever is shorter.
  - D. Members of the ZBA shall be appointed by the Village President, subject to approval by a majority vote of the members of the Village Council.
  - E. All members of the ZBA shall be electors in the Village of Lake Isabella.
  - F. The members shall annually elect one of their members to serve as the Chairperson and one member to serve as Vice-Chairperson, provided that a member of the Planning Commission or Village Council shall not serve as the Chair or Vice-Chair. The Zoning Administrator shall serve as the Secretary of the ZBA but shall not be a member of the ZBA.
  - G. In the absence of the Chair, the Vice-Chair shall preside at all meetings and hearings of the ZBA. In the absence of the Chair and Vice-Chair, the member with the longest continual term of service shall preside at any meeting or hearing.

- H. A member of the ZBA shall publicly disclose any conflict of interest with respect to any matter before the ZBA and shall refrain from participating in any hearing, discussion, or any decision on such matter. Failure to do so constitutes misconduct of office.
- I. If a member is uncertain as to whether or not a conflict of interest exists, the remaining seated members of the ZBA shall determine by vote if a conflict does or does not exist.
- J. An employee or contractor of the Village shall not serve as a member of the ZBA.
- K. Members of the ZBA may be removed by the Village Council for non-performance of duty or misconduct of office upon written charges. Any such member so charged is entitled to a public hearing before the Village Council prior to being removed from the ZBA.

**4. Powers & Authority.** After conducting a public hearing, the ZBA has jurisdiction and authority to decide the following:

- A. Zoning map interpretations.
- B. Zoning regulations or text interpretations.
- C. General appeals under law or pursuant to the zoning regulations in the Code (including appeals relating to the zoning action of any Village provided for in this Code or by statute).
- D. Dimensional (non-use) variances.
- E. Determination of lots of record and nonconforming lots.
- F. Determination of lawful nonconforming uses, structures, and situations.
- G. Under no circumstances shall the ZBA have the power or authority to grant a use variance or to hold a public hearing regarding a use variance.

**5. Meetings.**

- A. At least three (3) regular members shall constitute a quorum. A decision by the ZBA shall require the concurrence of at least three (3) sitting members.
- B. Applications shall be presented to the ZBA in the order they were received in complete form by the Village.
- C. The ZBA shall conduct a public hearing before making any determination or granting any application. Notice of any public hearing shall be provided as required by statute.
- D. Unless other rules of procedure are adopted by the ZBA, Robert's Rules of Order shall be the presiding parliamentary rules.

- E. When presenting an application, fifteen (15) minutes shall be afforded to the applicant. This may be extended by a majority vote of the ZBA.
- F. Public comment rules shall be the same as provided for in the Village Council's organizational rules unless other rules are adopted by the ZBA.
- G. Alternate members shall be seated as needed. Alternate members will be seated in a rotating manner so that, if possible, the same alternate member is not seated for consecutive cases.
- H. When an alternate member is seated, he or she shall act as a member of the ZBA for the duration of the case under consideration. He or she shall have the same participatory and voting rights as a regular member of the ZBA.
- I. In the event that a regular or alternate member is unable to attend a meeting or hearing, they shall notify the Zoning Administrator in advance of such absence to be excused. Failure to do so shall result in the absence being unexcused. Any member of the ZBA who shall have unexcused absences for three (3) or more consecutive meetings or more than thirty percent (30%) of the ZBA meetings in a calendar year shall be deemed to have resigned from the ZBA.
- J. The ZBA shall set its normal meeting dates and time. Additional meetings may be called at the order of the Chair.
- K. Before providing factual testimony before the ZBA, the applicant, any witnesses, experts, or members of the public shall take an oath affirming the information that they are about to provide will be factual and accurate. If it is later determined that such information provided under oath was intentionally inaccurate, the ZBA shall have sufficient grounds to void and vacate any such ZBA decision or variance granted after a revocation hearing.

## **6. Application Procedures**

- A. An appeal to the ZBA may be taken by any property owner, tenant, governmental agency, department, bureau or board, or any other person aggrieved by the administration of the zoning code. An appeal may be taken from any order, requirement, decision, grant, or refusal made by any Village official charged with enforcement of the provisions of the zoning code.
- B. Filing Procedure. In filing an appeal, the following procedures shall be followed:
  - 1. The application shall be in writing and must state the grounds for appeal.
  - 2. Except where the applicant is a public agency, a fee shall be set by the Village Council. Said fee shall accompany the filing of the application. If the applicant



requests a special meeting of the ZBA, the established fee shall be double what is normally charged and shall occur on the same day of the week and time as a regular meeting of the ZBA.

3. All applications shall be in writing on forms provided by the Village of Lake Isabella and completed in full and signed by the applicant/appellant before a request will be presented to the ZBA. If the applicant is not the landowner involved, the owner must also sign the application.
  4. Every appeal/application must be filed with the Village within thirty (30) days of the decision or determination being appealed.
- C. An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the ZBA that a stay would cause imminent peril to life or property. In such cases, the proceedings may only be stayed by a restraining order granted by a court of competent jurisdiction.

## **7. Review Standards**

- A. It is not intended that variances be granted merely to remove inconveniences in complying with the zoning regulations or to alleviate financial burdens. The possibility that compliance with the zoning regulations may prove to be more costly, time-consuming, or result in development that does not meet the desires of the applicant shall not be part of the consideration of the ZBA. Any variance granted shall be consistent with, and not materially impair, the purpose and intent of the Village's Master Plan and the zoning code.
- B. The following standards and conditions shall apply to the review of completed applications for dimensional (non-use) variances. No dimensional (non-use) variance shall be granted or approved by the ZBA unless at least seven of the following standards are met and documented in the finding of fact in the meeting minutes.
1. Strict application of the zoning requirements would prohibit the use and/or development of land in a manner otherwise allowed in the zoning district involved.
  2. That the request is not related to a financial or economic hardship of the applicant.
  3. That the parcel or structure cannot reasonably be developed or utilized in a manner allowed by the zoning district where the land is located.
  4. That the situation is not "self-created," in that the immediate practical difficulty causing the need for a variance was not created by the applicant or the applicant's immediate predecessor in title unless such occurred before the Village's incorporation.
  5. Granting the variance would not impair the public's health, safety, or well-being.

6. That granting the variance is based on a practical difficulty or extraordinary circumstances or conditions such as, but not limited to, topographical or physical features of the land, narrowness or shallowness of a specific piece of property that was legally existing on the effective date of the zoning code, or a situation of the parcel size or shape or structure related to its development from before the Village's incorporation
  7. A variance shall not bestow upon the applicant a privilege not enjoyed by other properties in the same zoning district.
  8. The variance request, if granted, will be the minimum variance necessary (*i.e.*, the least variation or change from the particular requirement of the zoning regulation involved) that will make possible the reasonable use of the land, structure, or building involved.
  9. The granting of the variance will not be injurious or detrimental to any properties adjoining the property that is the subject of the variance or the residents thereof.
  10. The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Village to amend the provisions of the zoning regulation involved rather than to grant a variance for the condition or situation.
- C. The following standards and conditions shall apply to the review of appeals relating to the action or decision of any official or board as permitted in this code and by statute.
1. In deciding the appeal, the ZBA shall be limited to determining whether or not the decision that was made was made using the proper requirements and standards of the zoning code.
  2. The decision of the ZBA is limited to the information that was available to the official or board that made the decision being appealed unless he or she otherwise consents. Additional information such as verbal statements, written information, plans, pictures, and audio/visual recordings shall not be considered.
- D. The following standards and conditions shall apply to the interpretation of the application of the zoning code or the interpretation of the official zoning map of the Village of Lake Isabella.
1. Prior to submitting an application or appeal to the ZBA from a third party, the Zoning Administrator shall review the section of the code or map in question and issue a written opinion on how the code or map is to be administered.
  2. Text interpretations of the ZBA shall be narrow and address only the situation being interpreted. The interpretation of the ZBA shall be based on a thorough reading of the zoning code and shall not have the effect of amending the code.

3. Zoning map interpretations by the ZBA shall be limited to determining where the boundary line of a particular zoning district lies with respect to a specific parcel.
4. Where the intent of the zoning code or zoning map is unclear or can be read to support equally more than one interpretation, the benefit of the doubt shall go to the property owner.

## **8. Conditions & Performance Bonds**

- A. In making any decision or granting an application or variance, the ZBA may attach conditions in furtherance of the intent and spirit of the zoning code as it may deem reasonable. The ZBA shall also have the authority to impose conditions to ensure that affected public services and facilities can accommodate the increased service demands of the development. The ZBA shall further have the authority to impose conditions to protect the environment, conserve natural resources, and ensure compatibility with adjacent land uses. Conditions imposed shall relate to one or more of the following requirements:
  1. Compliance with the intent and purpose of the zoning requirements.
  2. Protection of natural resources and the environment.
  3. Protection of the health, safety, and welfare, as well as the social and economic well-being of those who shall use the land under consideration, adjacent properties, and the community as a whole.
  4. Providing adequate support facilities such as, but not limited to, parking areas, driveways, walkways, pedestrian and vehicular circulation, screening, fences, and landscaping.
  5. A valid exercise of the Village's police power that is affected by the proposed use or development.
- B. The ZBA shall have the authority to require such monetary security, irrevocable letter of credit, or performance bond in the form, manner, and amount as in its discretion may be required to compel compliance with and performance of all conditions incident to appeals and requests granted; provided, however, that such requirement shall not be for amounts greater than the reasonable cost of performing or complying with the conditions attached to such decision.

## **9. Decisions of the ZBA**

- A. The ZBA shall make its decision upon an appeal or variance request in a timely manner after conducting a public hearing.
- B. The decision shall include the reason(s) for the decision.

- C. A copy of the minutes of each ZBA meeting shall be forwarded to the Planning Commission and Village Council at their next respective regular meetings.
- D. A decision of the ZBA shall be final. A decision of the ZBA may be appealed to the circuit court.
- E. Before reaching a decision regarding an appeal or application, the ZBA may request that the Planning Commission forward an opinion or recommendation to the ZBA on the application or appeal.

#### **10. Period of Validity**

- A. All variances shall be valid for twelve (12) months from the date of granting, during which time all authorized work must be completed.
- B. If the authorized work has begun, the owner of the property may submit a written request to the Zoning Administrator for an extension of six (6) months from the original twelve (12) month deadline. Upon receipt of the request, the Zoning Administrator shall send written notice to the property owner of the new final date by which all authorized work must be completed.
- C. Only one six (6) month extension, as authorized by this Chapter, may be granted on any variance.
- D. Any project started but not completed within the required time limit shall be deemed to be in violation of the zoning code.

**11. Reapplication.** No application for a variance or for a substantially similar variance that has been denied wholly, or in part, by the ZBA shall be resubmitted for a period of 365 days from such denial, except on the grounds of new evidence (which could not have been produced earlier by the applicant) or proof of changed conditions found by a majority vote of the ZBA to be valid.

#### **12. Conflict of Interest**

- A. A member of the ZBA shall not participate or vote with respect to a matter in which the member has a conflict of interest. Failure of a member to refrain from participating or voting in a matter in which the member has a known conflict of interest shall constitute misconduct in office. A conflict of interest exists whenever a member of the ZBA owns land within the Village, which is significantly affected by a matter presented to the ZBA, or a member has a direct financial interest in the matter presented to the ZBA. A conflict of interest may exist in other circumstances as well.
- B. The ZBA should strive to avoid even the appearance of impropriety. Whenever a member of the ZBA has a conflict of interest or appears to have a conflict of interest

with respect to a matter presented to the ZBA, the member shall state on the record the nature of the conflict of interest or the circumstances which exist which could be perceived to be a conflict of interest. If the member has a conflict of interest, the member shall not participate in the ZBA's consideration of the matter. If circumstances exist which could be perceived to be a conflict of interest, the member, after disclosure of these circumstances, may continue to participate in the ZBA's consideration of the matter if the member can be fair, objective, and impartial, subject to the vote of the other members of the ZBA.

- C. Nondisclosure of a known conflict of interest shall be misconduct in office, and nondisclosure of circumstances that exist that could be perceived as a conflict of interest may also constitute misconduct in office.
- D. If a member of the ZBA fails to disclose any circumstances which could be perceived to be a conflict of interest and the ZBA later becomes aware of such circumstances, or if a member of the ZBA participates in consideration of a matter in which the member has a known conflict of interest, the ZBA may, upon the vote of a majority of the regular members of the ZBA (other than the member who has failed to make the disclosure or who participated in consideration of a matter in which the member had a conflict of interest), make a recommendation to the Village Council that the member be removed from the ZBA for misconduct in office. If the ZBA makes such a recommendation to the Village Council, the Village Council shall hold a public hearing to consider the recommendation.

**13. No ZBA Jurisdiction.** The ZBA is without jurisdiction to hear any appeals or matters involving the final approval for any Special Land Use or Planned Unit Development.

**14. Variance Termination.** In the event that the ZBA grants a variance, the individual (or any successor in interest as to the property involved) shall not use the property in question such that it would exceed the rights given by the Code or the variance or fail to follow any conditions placed thereon by the ZBA. In the event that the use of the property exceeds those rights given by the Code or the variance, or the property owner fails to follow the conditions placed upon the variance, the variance shall immediately terminate. Alternately, in such a case, the ZBA shall also have the authority to terminate a variance after reasonable notice and hearing.

## GENERAL REQUIREMENTS

1. **Animals & Livestock.** No livestock animals, fowl, or poultry other than customary household pets may be housed or bred in any residential district.
2. **Accessory Uses.** Accessory uses may be permitted on a parcel with a conforming primary/principal structure. Such accessory use shall be subordinate to the primary/principal use, incidental in nature, and generally related to the primary/principal use.
3. **Antennas, Dish Antennas, Chimneys & Vents.**
  - A. Antennas and Dish Antennas for personal use may be erected and used in conjunction with an established use in any district.
  - B. Dish Antennas may not exceed one meter in diameter (39.37”).
  - C. Antennas and Dish Antennas may not be located more than 12 feet above the roofline of the structure it is attached to, but in no circumstance shall any antenna, dish antenna, chimney, stack, or vent exceed the maximum allowed height in its respective zoning district. In cases where there are topographical features or established trees on the parcel, the antenna or dish antenna may exceed the peak of the roofline by not more than 18 feet, only where it is physically attached to such roofline at the base.
  - D. When due to topographical features or interference from established trees on a parcel where the Antenna or Dish Antenna is to be located, the Antenna or Dish Antenna may be located elsewhere on the parcel but shall not exceed a total height from grade to peak of 8 feet. The location of any such Antenna or Dish Antenna shall not be in any required yard setback.
  - E. The number of Antenna or Dish Antenna shall be limited to the least number required to receive service.
4. **Dumpsters.**
  - A. Dumpsters are prohibited on vacant parcels and also on parcels that have a primary/principal use of a detached single-family dwelling or hangar on any parcel zoned for single-family residential use unless otherwise allowed by this zoning code. Except as needed during times of construction, remodel, repair, or renovation as part of an approved zoning or building permit or for other reasons up to forty-five days (45) in any 12 months. At no time shall an allowed dumpster be located in any required rear or side yard(s) setback.
  - B. Dumpsters may be approved on developed parcels that have a primary/principal use other than a detached single-family dwelling or hangar with the following conditions:

1. The dumpster shall be enclosed on all sides by masonry blocks or privacy fencing so that it is entirely screened from view to a height of no less than six feet (6'). The dumpster enclosure shall be accessible by either a wood, plastic, or metallic gate(s), which shall remain closed at all times other than to service the dumpster.
  2. Such enclosures shall prevent trash from being scattered by wind or animals.
  3. Bollards or posts shall be placed on the interior of the enclosure to protect the walls from damage by the trash containers within.
  4. The dumpster shall be placed on a concrete pad.
  5. The dumpster enclosure shall be sited in such a manner so that a service vehicle has convenient access to the enclosure and has room to maneuver without backing onto a public right-of-way.
  6. The dumpster enclosure shall be located in either a rear or side yard.
- 5. Essential Public Services.** It shall be lawful for public utilities, municipal departments, or commissions to erect, construct, alter or maintain essential public services, including buildings, reasonably necessary for the furnishing of adequate services for the public health, safety, and general welfare, in any zone, area or use district of the county; provided that the erection or construction of any or all above-grade construction consisting of necessary buildings and structures, therefore, shall be designed and erected as may be required by this zoning code and to conform harmoniously with the general architecture and plan of such district in which it is to be erected and shall be subject to the approval of the Planning Commission.
- 6. Height Exceptions.** The following structural appurtenances may exceed the height limitations for authorized uses, as specified in the applicable zoning district, only if approved before construction by the Zoning Administrator.
- A. Structures for agricultural operations in any agriculturally zoned district not exceeding 100 feet, provided that any required yard setback shall be equal to the structure's height.
  - B. For parcels where the MDOT-adopted landing approach pattern is applicable, development and structures shall not be permitted which allow for steam, smoke, glare, lighting, landscaping, or height in conflict with the adopted safety zone patterns.
  - C. When the Zoning Administrator grants a height exception under this section of the zoning code, they shall also send a notice to all owners within 300 feet of the parcel of notice of the granting of such exception and their right to appeal the matter to the Zoning Board of Appeals per chapter 1302 of the zoning code.
- 6. Moving of Structures.** The moving of a structure shall be considered the erection of a new structure. All provisions relative to the erection of new structures shall be met. A

performance bond may be required by the Street Administrator prior to such moving.

**7. Primary Structure & Primary Use.**

- A. Only one principal use shall be made of a parcel. A detached single-family dwelling, other than a farm dwelling, shall constitute a principal use, and only one detached single-family dwelling shall be permitted on a parcel.
- B. No more than one (1) primary structure may be erected on a parcel, and no more than one (1) primary use shall occur on a parcel unless such parcel is appropriately zoned or unless the same is expressly authorized in an approved Planned Unit Development in accordance with this zoning code. Agricultural buildings that are regulated as a principal use may be erected on appropriately zoned parcels and one (1) dwelling otherwise permitted on such a parcel.
- C. In determining parcel, lot, land, yard, parking area, or other open space requirements, no area shall be ascribed to more than one (1) primary structure or primary use, and no area necessary for compliance with the space requirements for one (1) primary structure or primary use shall be included in the calculation of the space requirements for any other building, structure or use.

- 8. Structure Completion.** All structures shall be completed and maintained on the outside in conformance with the zoning code and with finish materials, such as wood, brick, or brick veneer, shingle, siding, concrete, or similar performance-tested materials. This includes but is not limited to the complete exterior structure completion, site graded, sodded or seeded, landscaped, and driveway installed. During the construction period, the premises shall be kept and maintained in a sightly and orderly manner. This includes, but is not limited to, the neat and orderly on-site storage of any materials being used in the construction and the length of any weeds or other nuisance plants as outlined in the Village of Lake Isabella blight code, chapter 642 of the codified ordinances, as amended. The Zoning Administrator may extend this period for up to six (6) months if the applicant submits a request for an extension. The fee for such a request shall be the same as for a regular zoning permit in that district. Any structure intended for human habitation that fails to obtain a Certificate of Occupancy by the time the authorizing zoning permit expires shall be deemed as incomplete and a blighted structure.

**9. Bathrooms/Sewage Disposal Systems.**

- A. All residences shall have inside bathroom facilities. No bathroom outbuildings or outhouses are permitted. No individual sewage disposal system or individual water supply system shall be permitted on any parcel unless such system is designed and constructed in accordance with the requirements, standards, and recommendations of the Michigan Department of Environmental Quality and/or Local Health Department.



- B. The construction of any wastewater disposal system within a wetland in the overlay district is prohibited. Raising the elevation of the grade level by adding fill materials to create a mounded disposal tile field is also not permitted unless approved by the Central Michigan District Health Department.
- C. Residentially zoned properties shall not use or store outside a portable toilet (also known as a porta-john) for more than 30 days in any calendar year. This does not apply to periods of construction, repair, or demolition approved by a zoning, building, electrical, plumbing, or mechanical permit.

**10. Site Grading.** In addition to any requirements or conditions that are tied to a specific site or project through an approved Stormwater Management Plan approved by the Village, the following conditions shall apply to the grading of sites:

- A. Site grading shall meet abutting property line elevations. To avoid runoff onto adjacent sites, side yard swales or other mitigation may be required during and after the development process if the Village determines that runoff is occurring.
- B. Structures shall not be located to interfere with the natural drainage pattern unless it can be demonstrated that the change in grade adequately redirects the flow of surface water.
- C. When a new structure is constructed between existing structures or adjacent to an existing structure, the finished grade of the adjacent existing structures shall be considered in determining the appropriate finished grade of the new structure. The grading of the site around the new structures shall not result in additional runoff of surface water onto adjacent properties.
- D. For new development, no excavation or modifications to the existing grade of a site may occur until after a Zoning Permit has been issued for the new structure or use.
- E. Any party aggrieved by the decision of the Zoning Administrator under this Section may appeal that determination to the Zoning Board of Appeals.

**11. Fertilization & Landscaping.** The chemical treatment and fertilization of lawns, yards, and other grass areas of land shall be done in a “low-maintenance” manner using non-phosphate, low nitrogen, and slow-release fertilizers except during the establishment of A lawn covering at least 20% of the parcel coverage. Whenever possible and/or as required by state law, fertilizers, herbicides, anticides, pesticides, and other chemicals shall only be applied by a licensed chemical applicator as licensed by the Michigan Department of Agriculture (or its successor agency). This section shall in no way prohibit the annual lawful treatment of Lake Isabella itself for weeds and other pests.

**12. Underground Utilities.** All public and private utilities distributed by wire or cable located on

property proposed for development or material redevelopment shall be placed underground. This provision applies to distribution lines, as well as on-site leads and service lines. The conduits and cables for such lines shall be placed within private easements provided to the service provider by the developer or placed within dedicated public rights-of-way. All facilities placed in dedicated public easements shall be planned so they do not conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission. Underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.

## TEMPORARY USES & STRUCTURES

1. **Purpose.** The purpose of this Chapter is to establish regulations of uses and structures that are of a temporary nature.
2. **Temporary Facilities.** Temporary Facilities associated with and incidental to work approved as part of a zoning or building permit shall be removed within 15 days of the completion or abandonment of the construction work. Temporary Facilities shall not be placed in a public right-of-way unless approved by the Street Administrator. Temporary Facilities in Residential zoning districts shall not contain office or living space.
3. **Temporary Structures.**
  - A. Temporary Structures shall not be permitted or allowed to remain except when doing so as allowed in this Section.
  - B. Any Special Land Use approved shall remain valid, and the property shall continue to comply with the conditions of such Special Land Use approval unless otherwise provided by the Planning Commission.
  - C. Classes of Temporary Structures:

Temporary Structures shall be divided up into the following classes based on the nature of the use as follows:

Class A	Class B	Class C
Screen Tents Canopy Tents	Storage Tents	Shipping Containers Storage Pods

- D. Temporary Structures shall comply with the following conditions when placed in a residential district established by Chapter 1232 of the zoning code:
  1. When a Temporary Structure is placed in the street-side yard of a waterfront parcel, including T-Lots, it shall be placed in a manner that connects to the driveway.
  2. For non-waterfront parcels with more than 1 street frontage, Temporary Structures may be placed in a street-side yard that does not have means of ingress/egress for the property, provided such faces the street frontage where ingress/egress exists for the parcel.
  3. Temporary Structures may only be placed on a parcel with a primary use and structure.
  4. Temporary Structures shall meet the required setbacks for sheds as regulated by Chapter 1234 of the Codified Ordinances of the Village of Lake Isabella.

5. Temporary Structures which have a footprint greater than two-hundred forty square feet (240 ft<sup>2</sup>) or have a height from grade to peak greater than twelve feet (12') shall require the issuance of a Temporary Zoning Permit. A Temporary Zoning Permit for any such Temporary Structure shall be valid only for a single period of thirty days (30). No more than one such permit authorizing a single Temporary Structure may be issued per parcel per calendar year.
6. Temporary Structures shall comply with the following applicable regulation of their allowed period of use unless otherwise regulated in the Codified Ordinances of the Village of Lake Isabella:

Regulation	Class A	Class B	Class C
Seasonally allowed between October 1 <sup>st</sup> and the following April 30 <sup>th</sup> :	No	Yes	No
Seasonally allowed between April 1 <sup>st</sup> and October 31 <sup>st</sup> :	Yes	No	No
Annually limited to a single 30-day period	No	No	Yes

- E. Temporary Structures shall comply with the following conditions when placed in all other districts:
    1. A maximum of 1 Storage Pod or Shipping Container may be stored on-site for every full acre of parcel size, up to five such items on any single parcel. Storage Pods or Shipping Containers shall be screened by at least one of the following on at least three sides, including all sides facing a public right-of-way; structure(s), privacy fencing, or landscaping. The Zoning Administrator shall approve all such screening.
    2. Temporary Structures may only be placed on a parcel with a primary use and structure.
    3. Temporary Structures shall meet all required setbacks.
    4. Temporary Structures which exceed a footprint of four hundred square feet (400'), or have a height from grade to peak greater than fourteen feet (14') shall require the issuance of a Temporary Zoning Permit. A Temporary Zoning Permit for any such Temporary Structure shall be valid only for a single period of sixty days (60). No more than one such permit authorizing a single Temporary Structure may be issued to any parcel at any given time. In any given calendar year, a parcel may only have two such permits issued to it.
    5. Temporary Structure, unless otherwise allowed in the Codified Ordinances of the Village of Lake Isabella, shall be limited to a single one-hundred twenty-day (120) period of use and placement.
- 4. Temporary Residence.** No structure or vehicle of a temporary character such as a trailer, recreational vehicle, basement, tent, shack, ice shanty, garage barn, barn, boat, houseboat, or other outbuildings, shall be used or occupied anywhere within the Village of Lake Isabella, excluding the Lake Isabella Property Owners Association (LIPOA) campground, at

any time as a residence, either temporarily or permanently. Except, a recreational vehicle or tent may be used in the side or non-right-of-way yard of a lot with an existing dwelling for overnight accommodations for not more than fourteen (14) nights in any calendar year, and a boat located at a dock on a lot with an existing dwelling may be used for overnight accommodations for not more than fourteen nights in any calendar year but not more than three (3) nights being consecutive.

- 5. Temporary Vendors.** Temporary Vendors may conduct business on any developed property with a primary use other than a detached single-family dwelling. Temporary Vendors are considered temporary accessory uses and may operate within the scope of these regulations without the issuance of a Temporary Zoning Permit. The following regulations shall apply to Temporary Vendors:
- A. Temporary Vendors shall only operate on developed parcels with the permission of the owner of record of the parcel.
  - B. Temporary Vendors shall not conduct business by placing tents, trailers, trucks, or carts in a public right-of-way.
  - C. A Temporary Vendor shall not use tents, trailers, trucks, or carts which occupy more than 300 square feet of ground coverage unless approved by the Planning Commission.
  - D. Temporary Vendors shall not use tents, trailers, trucks, or carts taller than 12 feet unless otherwise approved by the Planning Commission.
  - E. Parcels wishing to allow Temporary Vendors shall provide adequate off-street parking to handle the additional traffic. At the request of the Zoning Administrator, the Village may require the owner of any such parcel to provide a parking plan to illustrate that the parcel contains sufficient parking to accommodate all primary and temporary uses. If the Zoning Administrator feels that the parking plan does not adequately provide for sufficient parking to accommodate all uses, the matter shall be referred to the Planning Commission for a final determination.
  - F. Temporary Vendor(s) shall limit their operations to one of the following time frames:
    1. Not more than two (2) days per calendar week, with a maximum of three consecutive days, for a period not to exceed eight (8) consecutive calendar weeks.
    2. Not more than eight (8) consecutive weekends. For the purpose of this subsection, "weekends" shall be considered Friday, Saturday, and Sunday.
    3. Not more than 35 consecutive days.
  - G. Parcels that may wish to allow Temporary Vendors for a period of time that exceeds the limits established in the previous sub-section shall submit such a request to the Planning Commission. The Planning Commission shall review and process the application under the

conditions and regulations found in Chapter 1274 of the zoning code applicable to Site Plans. Any such approval shall be limited to a maximum time frame of 180 days.

- H. Parcels may have up to two Temporary Vendors in operation at any time unless otherwise approved by the Planning Commission in the following sub-section.
- I. Parcels that may wish to allow more than two Temporary Vendors at any single time may submit such a request to the Planning Commission. The Planning Commission shall review and process the application under the conditions and regulations in Chapter 1274 of the zoning code applicable to Site Plans. Any such approval shall be limited to a maximum time frame of 30 days.

## Street Standards

1. **Purpose.** The purpose of this Chapter is to establish regulations and requirements for the construction of new streets that may be necessary for future development and also to regulate the use of private roads, shared driveways, and easements.
2. **Design Standards for New Streets.** New streets shall be designed and constructed to the Village's established construction standard as adopted by Resolution of the Village Council.
3. **Drainage Standards.** For any new public street approved as part of a development project after the effective date of this Chapter, the following shall apply. All storm drainage systems shall be shown and approved by the Village and shall be in plan and profile on standard 24-inch by 36-inch white prints having blue or black lines, and shall be neatly and accurately prepared to an engineering scale and shall also contain, at a minimum, the following information:
  - A. Manhole and catch basin locations and filter type for any drain that flows directly from a street to a body of water.
  - B. Existing utilities that cross or parallel proposed storm drains.
  - C. Design calculations conforming to the Village's Stormwater Management Chapter of this zoning code shall be submitted for:
    1. Storm sewers.
    2. Drainage ditches.
    3. Retention ponds.
    4. Restricted discharges.
  - D. Improved open drains and "ditches" may be permitted only if the road cross-section or land use so warrants and if approved by the Planning Commission of the Village of Lake Isabella.
4. **PRIVATE DRIVES AND PRIVATE STREET REGULATIONS**
  - A. Every lot and parcel created after the effective date of this Chapter shall have frontage upon a public street.
  - B. Prior to issuing a zoning permit for a new single-family dwelling on any parcel that has ingress/egress from a private street, shared driveway, or private easement existing at the time of this amendment, the owner of any such parcel shall sign an acknowledgment which states the following:
    1. The private road or shared easement is not owned or maintained by the Village of

- Lake Isabella and is not considered part of the Village's street network.
2. The Village offers no assurances or guarantees regarding the maintenance of the private road or shared easement. The maintenance and upkeep of the private road or easement is the sole responsibility of the owner and the other parties using the private road or shared easement.
  3. The Village offers no assurances or guarantees regarding the availability or access for utility and telecommunication companies to provide services to any parcel via the private road or shared easement.
  4. The owner acknowledges these conditions and understands that they are proceeding to develop and use their parcel at their own risk.
  5. The owner agrees to indemnify and hold the Village harmless (as well as the Village's officials, officers, employees, and agents) for, from, and against all liabilities, damages, causes of action, costs (including attorney fees), injuries, fatalities, and other matters arising out of, relating to, or pertaining to the private road or shared easement or the private drive installed therein.
- C. No existing private street, private easement, access easement, or other similar means of granting ingress/egress shall be extended, or the number of parcels using said private street, private easement, access easement, or similar means of ingress/egress unless the Planning Commission has approved a site plan. The following shall be applicable to all such site plan reviews:
1. The private right-of-way or easement for a private street shall be at least sixty-six (66) feet wide and also grant access and placement approval for public utilities such as, but not limited to, electrical service, telephone and fiber optic service, natural gas, public water, and public wastewater.
  2. If paved, the construction standards for a private street shall comply with the requirements applicable to Local Streets in the Village's street network and be reviewed and approved by the Village Engineer.
  3. Drainage shall be provided based on a 25-year storm frequency for open ditch sections and a 10-year storm frequency for curbed or enclosed drainage systems.
  4. Any such approved private street, private easement, access easement, or combination of multiple private streets or private easements shall be limited in length and number of parcels served in the following manner:
    - a) If unpaved or paved to a standard less than the Village's Local Street standard, the total length shall be limited to 600 feet from the point of access to a public road, and no more than 10 parcels shall use the private road or private easement for access.



- b) If paved to the Village's Local Street standard, the total length shall be limited to 1,000 feet from the point of access to a public road, and no more than 20 parcels shall use the private road or private easement.

## PARCEL STANDARDS

1. **Purpose.** The purpose of this Chapter is to establish regulations for various issues related to the safe and efficient use of parcels as allowed by this zoning code.
2. **Access to a Street.** Any lot or parcel created after the effective date of this Chapter shall have frontage on a public street or a private street that has been approved by the Village of Lake Isabella via a Site Plan.
3. **Area or Space Required.** No lot, or lots in common ownership, or other required space shall be reduced to less than the minimum required under this Chapter. No lot or other area shall be further reduced if already less than the minimum required. No portion of an existing lot of record shall be sold if the new lot created does not meet the area and dimension requirements of the district in which it is located. Nothing contained herein shall be viewed to prevent the splitting and combination of parcels as regulated by Section 8 of this Chapter, provided that the result of such split or combination conforms to all applicable aspects of the Zoning Code for the Village of Lake Isabella.
4. **Parcels with Multiple Street Frontages.** Any yard that abuts a public or private street right-of-way or road shall meet the front yard requirements of the district in which it is located unless such is considered a Secondary Street Frontage as defined and regulated in the zoning code.
5. **Driveways.** Ingress/egress on any parcel containing a structure shall be from an approved driveway. For parcels with a single-family dwelling, the minimum driveway width shall be nine (9) feet. For all other parcels, the driveway width shall be twelve feet for one-way points of ingress/egress and twenty-four feet for bi-directional points of ingress/egress. Driveways shall have a maximum slope of 20 percent.
6. **Visual Clearance, Corner Parcels.** In all districts where yards are required adjacent to the intersection of two streets or of a street and public alley or other rights-of-way, no structure, planting, or fence shall be erected or maintained higher than three feet above street elevation within a triangle formed by the intersecting edges of any such street, alley, or right-of-way located twenty feet (20') from such intersecting lines.
7. **Parcels Located Partially Outside the Village Boundaries.** In cases where a parcel lies partially outside of the Village's boundaries, if a proposed lot, structure, accessory structure, or use would not satisfy the minimum area, dimensional, and street frontage provisions of this zoning code with respect to that part of the lot located within the Village, then the minimum provisions of this zoning code shall be applied with respect to the lot, structure, accessory structure, or use as if the entire parcel were located within the Village.

Provided, however, that the entire parcel shall comply with the minimum area, width, and frontage requirements of this zoning code, and provided further that if access to the parcel is provided at a location outside the Village boundaries, then such access shall be subject to the approval of the Planning Commission before the issuance of a zoning permit by the Village. For purposes of this Section, the Village boundaries shall not be deemed to be a lot or parcel line.

## **8. Combination & Splitting of Lots**

- A. The following shall apply where a structure or building is or will be located on portions of two or more lots or parcels:
1. If a structure or dwelling is physically located on two or more lots or parcels, all such lots or parcels shall be deemed to be automatically combined and considered one overall lot for purposes of this zoning code. Furthermore, no such combined lots or parcels (or portions thereof) shall ever be detached or be sold, divided, split, conveyed, or transferred separately from one another in a manner that would create a non-conformity to the zoning code.
  2. After the effective date of the Chapter, if an accessory structure is proposed to be located on two or more lots or parcels that are considered adjoining and under common ownership, no zoning, building, or other permit shall be issued for the construction or installation of such structure or building (and no such structure or building shall be built, installed or commenced) unless all of the following requirements are met:
    - a) If lots are owned by the same person, but are separated by a private or public road, said lots may be treated as a single parcel for the purpose of this zoning code if the following conditions are satisfied:
      - i.) The lots are combined as a single parcel for taxation.
      - ii.) The lots are combined via a deed restriction listing the Village of Lake Isabella as a party to the restriction, which prevents the lots from being decoupled or separated in the future without the approval of the Village of Lake Isabella if an accessory structure is placed on the side of the parcel on the opposite side of the street from the primary structure.
    - b) If lots are owned by the same person and are not separated by a private or public road, said lots may be treated as a single parcel for this zoning code if the properties share an overlapping common property line and the lots are combined via a deed restriction listing the Village of Lake Isabella as a party to the restriction which prevents the lots from being decoupled or separated in the future without the approval of the Village of Lake Isabella if an accessory structure is placed on a lot which would otherwise lack a conforming primary structure and use.

3. If the then-owner(s) of any such lots or parcels joined together desire to separate, divide, or split two or more of the combined properties, that splitting, division, or decoupling shall not occur until and unless the Zoning Administrator issues a permit to allow such split, division, or decoupling and all of the following requirements are also met:
  - a) Each parcel, lot, or piece of property which would result from the proposed split, division, or decoupling must meet all applicable minimum area and dimensional requirements of this zoning code, including, but not limited to, minimum lot size, setbacks, minimum width, and minimum road frontage requirements, and the requirements of any other applicable Village ordinance or code.
  - b) No parcel, lot, or piece of property shall be created upon which there exists an accessory building (including, but not limited to, a garage or detached storage building) or accessory structure without a conforming dwelling or other primary structure located thereon.
  
- B. In addition to the requirements of this Chapter listed above, vacant lots in recorded plats may be split and then combined into adjoining properties under the following conditions and regulations:
  1. Such a combination does not create a non-conformity of any structure or use, whether primary or accessory.
  2. Any lot proposing to be split and then combined shall so be done in full. If any portion of a lot is proposed to be split and then combined, all of that lot must be combined with another existing lot.
  3. The non-conformity of any lot, based on square footage or dimensions, shall not be increased as a result of any split and combination.
  4. For a lot that is proposed to be split and then combined into adjoining lots of different owners, the signature of the owners of both properties will be required to accept the application.
  5. Once a lot has been totally dissolved into adjoining lots, it shall cease to exist and shall not be restored unless all resulting parcels or lots are in full and complete compliance with the zoning code of the Village.

## SMALL-SCALE ALTERNATIVE ENERGY SYSTEMS

1. **Purpose.** The purpose of this Chapter is to provide for the use of small-scale alternative energy systems and facilities when done in an accessory manner to structure or use unrelated to power generation.
2. **Free-Standing Energy Systems.** . Free-standing solar panels and wind generators shall be considered accessory structures and accessory uses and shall meet the following requirements:

	Solar Panels	Wind Generators
<b>Maximum Height</b>	12 ft. from ground level to the tallest point at any time.	24 ft., or the height of the primary structure, whichever is greater.
<b>Setbacks</b>		
Streetside Yard	Not allowed	Not allowed
Side Yards	12 ft. from the nearest point of any panel at any time.	The peak height of the wind generator plus 10%
Rear Yard		
High Water Mark	50'	
<b>Maximum Size</b>	The surface area of all panels shall be no greater than a total of 350 ft <sup>2</sup>	The swept area of the blades shall be no greater than 24ft <sup>2</sup> for horizontal axis style units.  The blade height shall be no greater than 3 ft for vertical-style units.
<b>Wiring</b>	All wiring used to connect a free-standing alternative energy system to a structure or the electric grid shall be located underground	

3. **Mounted Energy Systems.** Alternative energy systems that are mounted to a structure shall comply with the following requirements:
  - A. If mounted on the roof or walls of a structure, they shall be considered part of the structure, and the must comply with the allowed district height and district setback regulations.
  - B. The peak height of a wind generator shall be no more than eight feet above the roof's peak.
  - C. Any exterior wiring shall be attached to the structure.

## SMALL CELL WIRELESS EQUIPMENT & FACILITIES

1. **Purpose.** The purpose of this Chapter is to promote and protect the public's health, safety, and welfare, preserve the aesthetic character of the Village of Lake Isabella, and reasonably regulate the development of small cell wireless equipment and facilities to the extent possible under State and federal law. The further purpose of this Chapter is to ensure the Village's regulations are applied consistently with State and federal telecommunication laws, rules, regulations, and controlling court decisions.
2. **Small Cell Wireless Equipment & Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way ("ROW") is not subject to zoning reviews or approvals under this Chapter to the extent exempt from such reviews under Act 365 of 2018, as amended ("Act 365"). In such case, a utility pole in the ROW may not exceed 40 feet above ground level without special land use approval, and a small cell wireless facility in the ROW shall not extend more than 5 feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

Small cell wireless facilities and associated support structures not exempt from zoning reviews are only permitted in accordance with the provisions of the zoning code and Act 365, and upon application for and receipt from the Village of a permit consistent with the codified ordinances of the Village of Lake Isabella and shall meet the following requirements:

- A. Wireless Communications Equipment: Wireless communication equipment (but not a wireless communication support structure) is a permitted use and allowed in all zoning districts. Wireless communication equipment does not have to be related to the principal use of the site. Wireless communications equipment is not subject to zoning review and approval if all of the following requirements are met:
  1. The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.
  2. The existing wireless communications support structure or existing equipment compound is in compliance with the Village's zoning code or was otherwise approved by the Village.
  3. The proposed collocation will not do any of the following:

- a) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
  - b) Increase the width of the wireless communications support structure by more than the minimum necessary to permit co-location.
  - c) Increase the area of the existing equipment compound to greater than 2,500 square feet.
4. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the Village of Lake Isabella.

Notwithstanding the foregoing, wireless communications equipment otherwise exempt must still comply with all other applicable Village and Isabella County codes, including a requirement that the building inspector determines that the co-location will not adversely impact the structure to which it is attached.

A co-location that meets the requirements of subsections (a) and (b) above but which does not meet subsections (c) or (d) is subject to special land use review by the Planning Commission as an S2 level approval with a Detailed Site Plan as described in Chapter 1274 of the zoning code and Section 514 (2-6) of Act 366 of 2018, as amended ("Act 366"). Any equipment placed in a residential district shall not be erected at a height that requires lighting. Any equipment placed adjacent to a residential district or use that requires lighting shall be a continuous red beacon at night.

Wireless communications equipment that is not attached to an existing structure (thus requiring the installation of a new wireless communications support structure), is subject to special land use review consistent with the Village's zoning code and consistent with the adopted Master Plan of the Village of Lake Isabella.

**B. Special Land Use Standards for Wireless Communication Facilities:**

1. Wireless communications support structures must be installed on a lawful parcel for the zoning district in which it is located, either as a principal use, or as an accessory use related to the principal use, and meet all required setbacks.
2. Where visible from a public street, the design of equipment shelters and related structures shall use colors, landscaping, materials screening, and

textures that have the finish and appearance to blend into the character of the neighborhood and surrounding buildings so as to make the facility as visually unobtrusive as possible

3. No advertising or business signs shall be allowed.
  4. Wireless communications facilities shall be located and designed not to obstruct or significantly diminish views of the Lake Isabella or the Chippewa River from public streets and public property.
  5. Landscaping consisting of evergreen vegetation with a minimum planted height of six (6) feet placed densely so as to form a screen shall be placed completely around the wireless communications facility at ground level, except as required to access the facility. Where appropriate, existing landscaping can be used to satisfy this requirement. Landscaping shall be installed on the outside of any fencing.
  6. In addition to the above requirements, if the development of a new Wireless Communication Facility requires the installation of a tower, the requirements of Section 1262.07(88) shall also apply.
- C. Special Land Use Standards for Non-Exempt Small Cell Wireless Facilities: The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with Act 365 shall be subject to special land use review and approval in accordance with the following procedures and standards:
1. The processing of an application is subject to all of the following requirements:
    - a) Within 30 days after receiving an application under this section, the Village Clerk shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.
    - b) The running of the time period tolled under subdivision (a) resumes when the applicant makes a supplemental submission in response to the Village Clerk's notice of incompleteness.
    - c) The Planning Commission shall approve or deny the application and notify the applicant in writing within 90 days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or 150 days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the Village.
  2. The Planning Commission shall base its review of the special land use request on the standards contained in Section 1262.05; provided, however, that a denial shall comply with all of the following:



- a) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
  - b) There is a reasonable basis for the denial.
  - c) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
3. In addition to the provisions set forth in Section 2, in the Planning Commission's review:
- a) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
  - b) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
    - 1) The need for a wireless support structure or small cell wireless facilities.
    - 2) The applicant's service, customer demand for the service, or the quality of service.
  - c) The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used for arranging, screening, or landscaping.
  - d) The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to the spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
4. The fee for zoning review of a special land use and associated site plan shall be as established by the Village Council by resolution from time to time.
5. Within one year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider unless the Village Council and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

## FENCES AND WALLS

1. **Purpose.** The purpose of this Chapter is to establish regulations controlling the use and construction of fences, walls, and pet enclosures in a manner that enhances and protects the public health, safety, and general welfare by ensuring quality workmanship, pleasing aesthetics, and prohibiting fences which may degrade to the overall character of the village or otherwise have a negative impact on property values.
2. **General Regulations**
  - A. Fences may be placed on the lot line.
  - B. All fences other than invisible fences and fences erected by the Village of Lake Isabella shall require the issuance of a zoning permit before construction.
  - C. In residential zoning districts, fences are prohibited in a streetside yard and are also prohibited within 35 of the ordinary high-water mark of any lake, stream, or river. This does not prohibit the placement of a split-rail fence or picket fence along the side property line of a parcel with a structure. If a fence is proposed in a yard that would be considered a secondary street frontage, the minimum setback for the fence shall be thirty feet.
  - D. In non-residential districts, fences up to six feet in height in a streetside yard may be approved by the Zoning Administrator. The Street Administrator shall review the placement before approval to ensure that the fence does not obstruct views from a driveway or right-of-way in a manner that could jeopardize the public's safety. Fences taller than six feet may be approved by the Planning Commission as part of a Site Plan review.
  - E. All fences and walls on each property must have reasonably uniform or complementary materials and design.
  - F. With the exception of Electric Pet Fences, no fence may utilize or otherwise be electrically charged, nor may any fence have barbed wire in any residential district. Any fence located outside of a residential district that utilizes barbed wire or electrical current (with the exception of Electric Pet Fences) must have warning signs posted on the fence every fifty feet (50') and may be erected only after being specifically authorized by the Planning Commission as part of a site plan approval. The Planning Commission may only approve such fences when the Site Plan Application includes a notarized letter of indemnification that absolves the Village of Lake Isabella, its employees, heirs, and assigns of any and all liability for the use of the barbed wire or electrical current.
  - G. Essential retaining walls are permitted in all yards.

- H. Snow fences are permitted in all districts from November 1st through May 1st of the following calendar year.
- I. Fences shall be constructed and maintained in a manner so that the finished side faces adjoining properties.
- J. No fence shall be erected or maintained on a corner lot or in an adjacent manner to a driveway that would interfere with vehicular or pedestrian traffic. This includes a maximum height of three feet (3'), and a clear vision triangle formed at the corner of the property line or edge of the driveway measured by a distance of 25 feet along each leg of the triangle.
- K. With the exception of Split-Rail Fences, fences shall not be erected on parcels without an established primary structure.
- L. Snow Fences shall be prohibited except between the dates of November 1st through April 30th of the following calendar year and as authorized by the Zoning Administrator for special events, excavation holes, or construction sites.
- M. Pet Enclosures shall be regulated in the following manner:
  - 1. Pet Enclosures shall be limited to not more than 300 total square feet on any residential parcel.
  - 2. Tarps or other fabric may not be used as screening on the sides of any pet enclosure. Slates or weaves may be utilized on not more than two sides of a pet enclosure to provide shade and screening. Prefabricated roofs are also permitted.
  - 3. Pet Enclosures shall be located only in the rear or side yard and shall be at least 10 feet from the property line.
- N. The following materials shall be prohibited in all fences unless otherwise allowed in the zoning code: poultry netting, chicken wire, hog wire, flexible plastic netting (also known as Deer Fence or Deer Netting), chain, broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, oriented strand board (OSB), fiberglass panels, plastic sheeting, damaged or unsafe materials, bamboo, PVC pipe, tin cans, aluminum cans, plastic bags, pie pans, bells, plastic bottles, plastic jugs, or other material that is specifically designed for uses other than fence construction.
- O. Cyclone Fences are prohibited in all residential districts.
- P. Privacy fences are prohibited on waterfront parcels and are limited to a maximum height of 6 feet in all residential districts. Forty linear feet (40') of Privacy Panels may be used on waterfront parcels to provide screening for patios, decks, and

other areas, provided that either the starting or ending point of the panels is connected to a structure.

- Q. Garden Fences and trellises shall not exceed a height of six feet. Garden Fences may feature the use of Hog Wire or Deer Fence/Netting for the full height and Chicken Wire to a height of 24 inches. Garden Fences shall meet all required district setbacks and may be placed in a secondary street frontage yard.

### 3. District Regulations

Districts	Max Height Allowed by Right	Maximum Possible Height Approved via Site Plan
Residential	4'	NA
Commerce	6'	8'
Production	8'	12'
Other/Special	4'	8'

\* Unless otherwise allowed by the zoning code.

## REGULATION OF FUNNELING

1. **Purpose.** The Following restrictions are intended to limit the number of users of properties adjacent to Lake Isabella or the Chippewa River to preserve the quality of the waters, promote safety, and preserve the quality of recreational use of all waters within the Village of Lake Isabella.
2. **Funneling Regulated.** The below restrictions shall apply to all existing and new parcels/lots on or abutting any lake, river, or stream in all zoning districts, regardless of whether access to the lake, river, or stream waters shall be by an easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease. The lake, river, and stream access and use regulations in this section shall fully apply to all new planned unit development (PUD), site condominiums, plats, and special use projects or developments from the effective date of this Chapter.
  - A. In all zoning districts, there shall be at least one hundred (100) feet of lake, river, or stream frontage as measured along the normal high-water mark of the lake, river, or stream for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake or stream frontage.
  - B. Any new multiple-unit residential development using a shared and common lake, river, or stream front area or frontage among the units or parcels in the development shall not permit lake, river, or stream use or access to more than one (1) single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for every fifty feet (50') of a lake or stream frontage in such common lake or stream front area, as measured along the normal high water mark line of the lake, river, or stream. Any such site is further required to be zoned Open Space Recreational.
  - C. In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational or entertainment facilities, institutional or nonresidential or nonagricultural uses or purposes unless such use is allowed in the zoning district where the property is located and is also authorized pursuant to a special use approval, site plan approval, or a planned unit development (PUD) approval by the Planning Commission of the Village of Lake Isabella.
  - D. Any residentially zoned parcel existing at the time of the adoption of this Chapter that did not provide common use or access to Lake Isabella or the Chippewa River shall not be further converted in any manner to allow for a greater number users to access Lake Isabella or the Chippewa River.

- E. The minimum water frontage requirements of this Section shall be doubled if more than fifty percent (50%) of the water frontage of the property involved is comprised of, or adjoins, a wetland as defined by Michigan law.
- F. If a property is located within a zoning district where the minimum lot width requirement is greater than one hundred (100) feet, the minimum water frontage requirements of subsections B and C hereof shall be increased so as to equal the minimum lot width requirement of the zoning district in which the property is located.
- G. The regulations in this section do not apply to any parcel zoned Open Space Recreational at the effective date of this Chapter.

## **NON-CONFORMING LOTS, USES, AND STRUCTURES**

- 1. Non-conforming Uses.** Any lawful use existing at the time of the adoption or amendment of this Chapter may be continued, notwithstanding the fact that such use becomes non-conforming under the Chapter as adopted or amended.
- 2. Change of Non-conforming Use.** A non-conforming use may be changed to another non-conforming use by authorization of the zoning board of appeals if such new use would markedly decrease the degree of non-conformance and would enhance the desirability of adjacent conforming uses. Whenever a non-conforming use is changed to a more restricted or conforming use, such use shall not thereafter revert to the prior non-conforming use.
- 3. Discontinuance or Abandonment of a Lawful Non-conforming Use.**
  - A. If a lawful non-conforming use is discontinued or abandoned, it shall not thereafter be re-commenced, re-established, or restored.
  - B. Once a lawful non-conforming use has been changed to a conforming use, the prior lawful non-conforming use shall not be re-commenced, re-established, or restored.
  - C. If a lawful non-conforming use is discontinued for a continuous time period of 12 months or longer, the lawful non-conforming use shall be presumed to be abandoned.
  - D. A lawful non-conforming use shall be determined to be abandoned if one or more of the following conditions exist, and it shall be deemed by the Zoning Administrator to constitute intent on the part of the property owner to abandon the lawful non-conforming use:
    1. Utilities, such as water, gas, or electricity to the property have been disconnected.
    2. The property, building, or grounds have fallen into disrepair or a blighted or unlawful condition.
    3. A sign or signs or other indications of the existence of the lawful non-conforming use have been removed.
    4. Removal of equipment or fixtures necessary for the operation of the lawful non-conforming use.
    5. Other actions which, in the opinion of the Zoning Administrator, constitute as intent on the part of the property owner or lessee to abandon the lawful non-conforming use.

E. If a lawful non-conforming use is expanded, changed, extended, increased in intensity, or altered in such a fashion as to materially violate any law, statute or ordinance (other than the zoning regulation that makes it a lawful non-conforming use), the lawful non-conforming use shall be deemed to be abandoned.

**4. Expansion of Non-conforming Use.** A non-conforming use may be expanded throughout the structure in which it is conducted, except in all residential districts. Non-conforming uses which are not located within a structure may not be expanded to land not actually in use at the time of the adoption of this Chapter or any amendment thereto. Non-conforming uses having multiple structures shall not be expanded by the construction of additional structures.

**5. Non-conforming Structures.**

A. Any structure which, when constructed, complied with the height, area, dimension, and any other size regulations or setback of the required conditions of the zoning code in effect at the time of its construction may continue notwithstanding the fact that such structure becomes non-conforming as to height, area, dimension, setback, or other regulations of this Chapter as adopted or amended.

B. Any structural or dimensional change to a non-conforming structure must be conforming, except that a single-family dwelling may be expanded in any non-conforming yard to the existing point of the non-conforming setback presently maintained by the structure unless the non-conforming setback relates to a deck, enclosed porch, or other portion of the structure that is not considered habitable floor space.

C. Properties in the Lake Residential 2 District (LR-2) with a Single-wide Mobile Home as a primary structure as of the effective date of this Chapter may replace the mobile home with a newer model Single-wide Mobile Home that is less than ten years old at the time of replacement if the newer Single-wide Mobile Home has at least eight hundred square feet (800 ft<sup>2</sup>) of dwelling space. If the existing single-wide mobile home's placement is non-conforming due to setbacks, the replacement mobile home may maintain the existing encroachment but not increase the level of non-conformity. If the parcel does not have an attached or detached garage, the construction of a garage is not required for the replacement of the Single-wide Mobile Home.

**6. Buildings and Uses Under Construction.** Any structure or use lawfully in the process of completion at the time of the adoption of this Chapter or any amendment thereto may be completed as originally permitted. Such structure may be used for the use



specified in the zoning permit notwithstanding the fact that such use or the structure itself no longer complies with the zoning code. The term "Process of completion" includes the completed construction of footings and the pouring of concrete, therefore. The preparation of architectural plans and drawings, purchase of land, leases, or materials, or the moving of earth are excluded from such terms. The Zoning Board of Appeals may determine which buildings and structures are in the process of completion according to the procedures specified in Chapter 1210.

## **7. Restoration and Repair**

- A. Only repairs and maintenance work required to keep a non-conforming structure in sound condition may be done.
- B. A structure or use damaged by the elements, public enemy, or other casualty may be rebuilt or restored to its size prior to such damage and its use resumed if the cost of such restoration and repair does not exceed 50% of the appraised replacement cost of the building or use which was damaged. The building inspector shall make such a determination. Persons aggrieved by the determination of estimated replacement cost by the building inspector may appeal such determination to the zoning board of appeals.
- C. A non-conforming structure or use shall not be rebuilt, reconstructed, or resumed if the cost thereof exceeds one hundred percent (100%) of the equalized value before the non-conforming structure was damaged or destroyed. However, single-family dwellings may be re-established as a non-conforming use in a conforming primary structure.

**8. District Boundary Changes.** When district boundaries shall hereinafter be changed, any non-conforming use may still be continued but subject to all other provisions of this Chapter. The provisions of this Article shall also apply to buildings and land or uses that hereafter becomes non-conforming due to any reclassification of districts under this Chapter and any change in the regulations of this Chapter.

**9. Plans Already Filed.** In the event that a completed application has been submitted and an application fee paid for a single-family dwelling or Accessory Structure to a single-family dwelling that conforms to the requirements of the zoning code at the time of application, said application shall be reviewed and processed based on the requirements of the zoning code at the time of such submission, even if a change to the zoning code has since been adopted to which the application no longer conforms to. Any such application approved shall be diligently pursued to completion, and all approved work completed within one year of the date of approval. All other applications shall fully conform to any applicable changes to the

zoning code that may exist from the time of application is submitted until such time as the application is approved.

- 10. Non-conforming Parcels.** Any existing parcel of record non-conforming due to its size or width may be built upon, provided all structures comply with the district's minimum setback requirements, and all other applicable zoning requirements are satisfied. Any non-conforming parcel shall not be reduced further in size or width if such reduction further increases its degree of non-conformity with minimum size and width requirements.

## ZONING DISTRICTS

1. **Establishment of Zoning Districts.** To protect and promote the public's general welfare and accomplish the aims and objectives of the Village Master Plan, the Village is divided into zoning districts of like and compatible uses. The Village of Lake Isabella is, as a result of this zoning code, divided into the following zoning districts:
  - A. Lake Residential-1 (LR-1)
  - B. Lake Residential-2 (LR-2)
  - C. Lake Residential-3 (LR-3)
  - D. Lake Residential-4 (LR-4)
  - E. Lake Residential-5 (LR-5)
  - F. Airport Residential (AR)
  - G. Medium Density Residential (MDR)
  - H. Coldwater Business (CB)
  - I. Airport Commercial (AC)
  - J. Neighborhood Mixed-Use (NMU)
  - K. Agricultural (Ag)
  - L. Research & Light Industry (RLI)
  - M. Open Space Recreational (OSR)
2. **Zoning Map and District Boundaries.**
  - A. The boundaries of the zoning map of the Village of Lake Isabela are hereby established as shown on the Zoning Map accompanying the zoning code as **Appendix A**.
  - B. Zoning district boundary lines are intended to follow lot lines, be parallel or perpendicular thereto, or follow the centerlines of streets or bodies of water, and shall be so interpreted unless such boundary lines are fixed by dimensions shown on the Zoning Map.
  - C. A zoning district boundary line indicated as following a shoreline shall be construed as following such shoreline at the ordinary high water mark.
  - D. Where uncertainty exists concerning the boundaries of any of the districts indicated on the official zoning map, the following rules shall apply:
    - 1) Where boundaries are indicated as approximately following streets or highways, the centerline of said roadways shall be construed to be such boundaries;

- 2) Where boundaries indicated as approximately following Municipal Boundary lines or following property or lot lines shall be construed as following said lines;
- 3) Where boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as stated by given distance or scaled dimension.

### **3. Compliance with District Regulations.**

- A. No structure shall be constructed, erected, placed, or maintained. No use shall be commenced or continued within the Village of Lake Isabella except as specifically or by necessary implication authorized by this Chapter.
- B. No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or lot be used, except for a purpose permitted in a district in which the building or land is located.
- C. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit established for the district in which the building is located.
- D. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located.
- E. No building or structure shall be enlarged or altered, and no use of a premises shall be changed in any way which increases its nonconformity, except for as otherwise allowed by Chapter 1228 of the zoning code.
- F. No yard or lot existing at the time of adoption of this Chapter shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the Effective Date of this Chapter shall meet the minimum requirements established by this Chapter.
- G. Whenever any street, alley, or other public way is vacated by official action of the Village Council or by a court of competent jurisdiction, the zoning district adjoining each side of such street, alley, or other public way shall be automatically extended to the center of such vacation, and all are included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district boundaries.

- 4. Overlay Districts.** An overlay district is an additional district established in the zoning code that may be more or less restrictive than the primary zoning district. In certain instances, the regulations of an Overlay District are voluntary, or in other cases, an Overlay District may impose mandatory regulations. Where a property is located within an overlay district, it is subject to both the primary zoning district and the overlay district. Where the requirements conflict, the overlay district governs.

## SINGLE-FAMILY RESIDENTIAL DISTRICTS

### 1. Statements of Purpose.

- A. Lake Residential-1 (LR-1). The LR-1 Single-Family Residential District is intended to provide for areas of single-family detached residential properties of a semi-suburban to suburban, low-density character. Lands in this district are made up of lots platted before 1990.
- B. Lake Residential-2 (LR-1). The LR-2 Single-Family Residential District is intended to provide for areas of single-family detached residential properties, including Manufactured Homes, of a low-density character. The LR-2 district encourages a suitable environment for persons and families who choose to live in a manufactured home and those who desire to live in a conventional stick-built home. Manufactured Homes placement is limited to subdivisions designed for that purpose or a State Licensed Mobile Home Park.
- C. Lake Residential-3 (LR-3). The LR-3 Single-Family Residential District is intended to provide for areas of single-family detached residential properties of a low-density character. The LR-3 district was formerly known as the Chalet Overlay District. The district has been established to accommodate the development of homes in an area of the Village where the combination of small lot sizes and challenging soil conditions may impact the development of on-site wells and septic systems. The LR-3 district is intended to allow for future residential development, which enhances the character of the surrounding LR-1 district by allowing future development of homes that preserve the quality of life presently enjoyed in the area by lessening the impact of new homes on existing vistas of the lake. By allowing smaller homes to be built, it is also the goal of this district to provide greater flexibility for property owners to develop on-site well and septic systems within the limited space available to them and do so in a manner that is not detrimental to development on adjacent parcels
- D. Lake Residential-4 (LR-4). The LR-4 Single-Family Residential District is intended to provide for areas of single-family detached residential properties on larger parcels in a low-density character. This district is comprised of a combination of platted and unplatted areas of typically one-half acre or more. Platted parcels in the LR-4 district were platted or divided after 1990.
- E. Lake Residential-5 (LR-5). The LR-5 Single-Family Residential District is intended to provide for areas of single-family detached homes of a more rural nature than the other single-family districts in the community. Parcels in the LR-5 district are made up of parcels larger than the average size in the community, which have not been platted.

- F. Airport Residential (AR). The AR Single-Family Residential District is intended to allow for a combination of single-family detached residential properties and other uses compatible with recreational aviation needs.
- G. Medium Density Residential (MDR). The MDR District is intended to allow for the development of single-family dwellings at an increased density by allowing attached housing units. It is intended that this district will encourage the development of medium-density structures such as duplexes, triplexes, condominiums, and similar style single-family residential dwelling units.

## 2. Single-Family Residential District Regulations.

- A. In Single-Family Residential Districts, parcels shall conform to the minimum standards below. The placement of a structure shall also comply with the table below unless otherwise regulated by this zoning code.

District	Parcel Size		Setbacks							Bulk	
	Lot Area (FT <sup>2</sup> )	Min. Lot Width <sup>1</sup>	Street Setback (Major)	Street Setback (Local)	Street Setback (Secondary Frontage)	Min. Single Side Yard	Total Min. Side Yards	Rear Yard <sup>2</sup>	Ordinary High Water Mark	Max. Height	Max. Impervious Surface Coverage
LR-1	12,000	75	30	25	25	8	20	35	35	35	50%
LR-2	12,000	75	30	25	25	8	20	35	35	35	50%
LR-3	12,000	75	25	15	20	8	20	35	35	28	50%
LR-4	21,780	100	30	25	25	10	20	35	35	35	35%
LR-5	43,560	100	30	25	25	10	20	35	35	35	35%
AR	14,500	80	30	25	25	8	20	25	35	35	50%
MDR	21,780	100	30	25	25	10	20	35	35	35	35%

### Footnotes to Schedule of District Regulations

- Lot width shall be measured at the required street yard setback line.
- If the Rear Yard setback is in a yard abutting property zoned OSR or Ag, or LR-1 property used for a golf course; the setback shall be reduced by fifteen feet (15') for a new minimum Rear Yard setback of twenty feet (20').
- All distances are in feet unless otherwise indicated.

- B. Front Yard Exceptions. The Zoning Administrator may grant exceptions to the front/street yard requirements of this Chapter in the following instances:
- An exception of up to 5 feet may be granted for habitable floor space in a detached single-family dwelling to ensure harmony by conforming to established front yard setbacks with developed parcels within 300 feet of the site; or,
  - An exception of up to 8 feet may be granted for a covered porch on a detached single-family dwelling. Covered porches approved under this section may not be fully enclosed without approval from the Zoning Board of Appeals. To qualify, at least 50% of the front façade (excluding an attached garage) must be occupied by the covered porch.

3. An exception to the front/street yard setback approved by the Zoning Administrator shall not reduce the minimum required front/street yard setback for a detached single-family dwelling to less than twenty feet (20').
- C. Open Space Preservation. As required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended; a landowner may develop residentially zoned property with the same number of dwelling units as provided for based on the size of the parcel or parcels on a smaller portion of the parcel or parcels proposed for development provided that at least 20% of the total area of the parcel or parcels proposed for development remain perpetually undeveloped by means of a conservation easement, plat dedication, restrictive covenant, or other deeded legal means that runs perpetually with the land. Any such development shall conform to the statutory requirements of the Michigan Zoning Enabling Act as it applies to Open Space Preservation.

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### 3. Schedule of Permitted and Special Land Uses in Single-Family Residential Districts:

Residential Uses	Proposed						
	Zoning District						
	LR-1	LR-2	LR-3	LR-4	LR-5	AR	MDR
Accessory Dwelling Unit	-	-	-	-	S	S	-
Adult Foster Care Congregate Facility	-	-	-	-	S	-	-
Adult Foster Care Home	P	P	P	P	P	P	P
Adult Foster Care Small Group Home	P	P	P	P	P	P	P
Adult Foster Care Large Group Home	-	-	-	-	S	-	-
Aircraft Hanger, Private	-	-	-	-	-	P	-
Apartment Building	-	-	-	-	S	-	S
Bed & Breakfast	-	-	-	-	S	-	-
Carriage House	-	P	-	-	P	P	-
Child Care Center	-	-	-	-	S	S	-
Community Care Retirement Facility	-	-	-	-	S	-	-
Day Care Home, Family	P	P	-	-	P	P	-
Day Care Home, Group	-	-	-	-	P	-	-
Detached Single-Family Dwelling	P	P	P	P	P	P	P
Duplex	-	S	-	-	-	-	S
Condominium	-	-	-	-	-	-	S
Townhouse	-	-	-	-	-	-	S
Economy Dwellings	-	-	-	-	S	-	-
Hospice Home	-	-	-	-	S	-	-
Live-Work Structure	-	-	-	-	P	-	-
State Licensed Mobile Home Park	-	S	-	-	-	-	-
Other Allowed Uses							
Conservation Area	-	-	-	-	P	-	-
Golf Course	S	S	-	-	S	-	S
Houses of Worship	S	S	S	S	S	S	S
Private Parks	S	S	S	S	S	S	S
Schools; Public, Private, Parochial	S	S	-	-	S	-	-
Wedding Venue	-	-	-	-	S	-	-

P = Permitted Use

S = Special Land Use

#### 4. Single-Family Dwelling Requirements. All detached single-family dwellings located outside of a state-licensed Manufactured home park shall comply with the following requirements and conditions:

- A. All detached single-family dwellings shall have a minimum width across any front, rear, or side elevation of no less than 20 feet. Breezeways, porches, decks, and other appurtenances shall not be considered part of the 20 feet minimum requirement.



- B. All wheels, towing mechanisms, and tongues of Manufactured Homes shall be removed, and none of the undercarriages shall be visible from the exterior of the Manufactured Home. Manufactured Homes are only allowed in the LR-2 District and Agricultural District. Modular Homes may be allowed in all zoning districts where the development of detached single-family dwellings is allowed.
- C. Manufactured housing shall comply with all regulations required for site-built dwellings in the zoning district in which it is located.
- D. All single-family dwelling structures shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed per the adopted building code of the Village of Lake Isabella. Manufactured housing shall be securely anchored to its foundation to prevent displacement during windstorms.
- E. All residences shall have inside bathroom facilities connected to a public sewer system, water supply system, and/or a well or septic system approved by the local Health Department. No bathroom outbuildings or outhouses are permitted.
- F. All dwellings shall be provided with adequate steps or porch areas, which may be permanently attached to the foundation where there exists an elevation differential of more than one foot between any door and the surrounding grade. All dwellings shall be provided with at a minimum of two points of ingress and egress.
- G. All additions to dwellings shall meet all of the requirements of this Chapter, including the required width to length ratio.
- H. The development of detached single-family dwellings shall comply with the following schedule of size and proportion:

Zoning District(s)	Minimum Dwelling Area (All Floors)	Minimum Ground Floor Dwelling Area	Maximum Dwelling Proportion (Width to Length Ratio)	Minimum Required Attached Garage Size Per Schedule of Footnotes below
<b>LR-1</b>				
Waterfront	1,400	1,000	1:2.5	A
Back-lot	1,200	1,000	1:2.5	A
Single T-Lot	840	840	1:2.5	B
<b>LR-2</b>	800	0	1:4	C
<b>LR-3</b>	900	900	1:2.5	C
<b>LR-4</b>	1,400	1,200	1:2.5	A
<b>LR-5</b>	1,200	0	1:2.5	A
<b>AR</b>	1,000	0	1:2.5	C
<b>MDR</b>	1,400	1,200	1:2.5	A

Required Garage Size Footnotes:

- A. 35% of the ground floor Dwelling Area, up to a maximum “minimum size” of 484 ft<sup>2</sup>.

- B. 30% of the ground floor Dwelling Area, up to a maximum “minimum size” of 288 ft<sup>2</sup>.
  - C. 35% of the ground floor Dwelling Area, up to a maximum “minimum size” of 288 ft<sup>2</sup>; or a detached garage of at least 484 ft<sup>2</sup>. In the AR district, the required garage space can be shared inside a private aircraft hangar constructed as an Accessory Structure to the primary dwelling.
- I. Attached garages are required for all new single-family dwellings unless exempted by the zoning code. Attached garages shall comply with the following requirements:
- 1. Attached garages larger than what is required in any zoning district may be permitted when either of the following requirements is met:
    - a) The footprint of the attached garage is equal to, or less than, thirteen hundred square feet (1,300 ft<sup>2</sup>).
    - b) For detached single-family dwellings located on parcels that are equal to or greater than 1 acre in size, an attached garage over thirteen hundred square feet (1,300 ft<sup>2</sup>) may be permitted if the footprint of the attached garage is equal to or less than, 80% of the ground floor habitable space of the detached single-family dwelling.
  - 2. All exterior lighting shall be directed downward to reduce light pollution with the source shielded.
  - 3. For Single-family dwellings that are a single story above ground, doors on attached garages shall be limited to a height of ten (10) feet. For Single-family dwellings that are at least 1.5 stories above ground, doors on attached garages shall be limited to a height of fourteen (14) feet. Any garage door greater than eight feet in height must have a row of windows in such a door.
  - 4. Attached garages that feature more than three bays across a single façade shall have at least one bay recessed from the other bays by at least four feet.
  - 5. Single-family dwellings in existence or permitted after the effective date of this Chapter, which lacks an attached garage, are allowed to remain and be expanded without the construction of an attached garage.
  - 6. Single-family dwellings that were permitted or built before 2008 which do not meet the current dwelling area requirements of this zoning code may convert an attached garage of up to six hundred seventy-six square feet (676 ft<sup>2</sup>), or less into habitable floor space without being required to replace the attached garage space with either an attached or detached garage.
  - 7. Single-family dwellings may have multiple attached garages; however, the combined square footage shall not exceed the size restrictions of paragraph I-1 of this section.

- 5. Detached Single-Family Dwelling Design Requirements.** All new detached single-family dwellings built after the effective date of this Chapter shall conform to the following minimum design requirements:

Design Requirement	Zoning District						
	LR-1	LR-2	LR-3	LR-4	LR-5	AR	MDR
Minimum Average Dwelling Width	20'	20'	20'	20'	20'	20'	20'
Minimum Average Dwelling Length	20'	20'	20'	20'	20'	20'	20'
One Ground Floor Window on all Sides	R		R	R	R		R
At least 1 Entry Door Facing the Street	R		R	R	R	R	R
Minimum of 4x12 Roof Pitch	R	R	R	R	R	R	R
Street side Façade relief and interruption to prevent any wall surface to exceed 30 feet without interruption in the linear plane of the wall by a minimum of 10%. For example, a 40-foot wall must have a segment separate by a projection of at least 3 from the rest of the wall for at least 10 feet.	R		R	R			R
Gable End (all or portion of the roof) facing the Street, if the dwelling is a two-story structure a gambrel end is suitable.	Pick 1	Pick 1	Pick 2	Pick 2	Pick 1	Pick 1	Pick 2
Covered Porch or Entry Way							
Dormer (real or faux) for every 20 linear feet of dwelling space facing the street, and fraction thereof							
Use any combination of material type, color variation, banding, stringcourse, or modulation to clearly distinguish between the ground level and upper stories.			R	R			R
including but not limited to: board and batten, horizontal and vertical lap, shake, or shingles, and meeting other material requirements.			R	R			R

R = Required

This Space Left Intentionally Blank

**6. Attached Single-Family Dwelling Unit Design Requirements.** All new detached single-family dwellings built after the effective date of this Chapter shall conform to the following minimum design requirements:

Design Requirement	Duplex		Apartment Building		Condo/Townhouse
	LR2	MDR	LR5	MDR	MDR
Minimum Parcel Size Per Structure	1/2 Acre	3/4 Acre	2 Acres	4 Acres	2 Acres
Maximum Dwellings Units per Acre	-	-	3	2	3
Minimum Dwelling Unit Square Footage	900	1200	800	The Average of all units in the structure must be no less than 1,000, with no individual unit being less than 800.	
Minimum Bedroom Size	120	144	144	144	144
Minimum Bedroom Width	10	12	10	12	12
Attached Garage	R	R	-	-	-
Minimum Attached Garage Size	432	576	-	-	-
At least 1 front facing entry door	R	R	-	-	R
Window or Door with Window on all 4 sides	R	R	R	R	R
Minimum of 4x12 Roof Pitch	R	R	R	R	R
Required Tree Plantings	1/Unit	2/Unit	2/Unit	3/Unit	3/Unit
Front Façade relief and interruption to prevent any wall surface to exceed 30 feet without interruption in the linear plane of the wall by a minimum of 10%. For example, a 40-foot wall must have a segment separate by a projection of at least 3 from the rest of the wall for at least 10 feet.	-	R	R	R	R
Gable End (all or portion of the roof) facing the Street or driveway, if the dwelling is a two-story structure a gambrel end is suitable.	Pick 2	Pick 2	Pick 2	Pick 2	Pick 2
Covered Porch or Entry Way of at least 80 square feet.					
Attached Garage Door(s) with Windows.					
Use any combination of material type, color variation, banding, stringcourse, or modulation to clearly distinguish between the ground level and upper stories.	-	R	R	R	R
including but not limited to: board and batten, horizontal and vertical lap, shake, or shingles, and meeting other material requirements.	-	R	-	R	R

R = Required

## RESIDENTIAL ACCESSORY STRUCTURES

1. **Purpose.** This Chapter aims to establish criteria for regulating the type, size, and location of Accessory Structures in single-family residential zoning districts and other parcels with a single-family dwelling as the primary use. These regulations are intended to increase the utilization of residential parcels while not altering the residential character of the surrounding area.
2. **Categories of Accessory Structures.** In all residential zoning districts, the following Accessory Structures may be permitted as regulated by the zoning code:

Category 1 Accessory Structures	Category 2 Accessory Structures	Category 3 Accessory Structures
Detached Garages	Sheds Gazebos Greenhouses Pool Houses Free Standing Carports	Playsets Playhouses Treehouses Pergolas Shade Structures Chimneys and Fireplaces Outdoor BBQ Kitchens

3. **General Requirements.** The following requirements shall apply to the development of Accessory Structures in single-family residential zoning districts.
  - A. Unless specifically exempted by this Chapter, no Accessory Structure shall be erected, placed, or altered unless a permit has been applied for and approved by the Village of Lake Isabella.
  - B. To maintain property values and ensure the safe use of land and structures, no Accessory Structure shall be permitted or allowed to remain unless the requirements and conditions contained herein are fully complied with.
  - C. In the event that the Primary Structure that an Accessory Structure is subordinate to is removed, destroyed, decoupled from, or otherwise no longer maintains the required relationship on the same parcel as required by the Chapter; the Accessory Structure shall either be recoupled to a Primary Structure in a conforming manner to the requirements of this Chapter or be removed.
  - D. Accessory Structures may only be placed when done in a subordinate manner to a legally existing Primary Structure and use.
  - E. No Accessory Structure shall be occupied or used if the Primary Structure to which it is subordinate becomes vacant or uninhabitable.

- F. If an Accessory Structure is proposed to be constructed concurrently as the Primary Structure, it will be subordinate to the Accessory Structure shall not be considered approved for construction until the Primary Structure is at least twenty-five percent (25%) complete. For the purpose of this subsection, a Primary Structure is deemed to be at least twenty-five percent (25%) complete when the following steps in the construction process have been completed:
1. The foundation has been poured and passed inspection.
  2. Rough framing of floors, exterior walls, and the roof has been completed.
- G. Accessory Structures are to be detached and set apart from the Primary Structure, which it is subordinate to, and other Accessory Structures as follows:'.

Structure Type	Accessory Structure Type		
	Primary Structure Setback	Category 1 Setback	Category 2 Setback
Primary Structure		10'	10'
Category 1 Accessory Structures	10'	10'	10'
Category 2 Accessory Structures	10' <sup>(1)</sup>	10' <sup>(2)</sup>	10' <sup>(3)</sup>

(1) On waterfront parcels, sheds may be placed less than 10' from the primary structure if the shed is being placed on the waterfront side of the primary structure.

(2) A shed may be placed less than 10' from a detached garage if the combined size of the shed and detached garage is equal to, or less than, the maximum size allowed for detached garages in the zoning district.

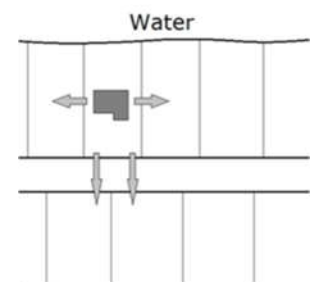
(3) Two sheds may be placed within 10' of each other, provided the combined size of the two sheds is equal to, or less than, 240 square feet.

- H. An Accessory Structure may be connected to but not considered a part of the Primary Structure if it is connected via means such as a breezeway or deck. To be considered a single structure, the garage must be connected to and wholly attached to the habitable floor space of the dwelling, sharing a common wall, roof, and means of access between the garage and the dwelling area.
- I. Accessory Structures primarily used for storage, such as detached garages, which are greater than two-hundred forty square feet (240') square feet in ground coverage, are required to have a concrete floor.
- J. Accessory Structures shall not be placed in the floodplain.
- K. Accessory Structures shall not be placed in a platted easement.

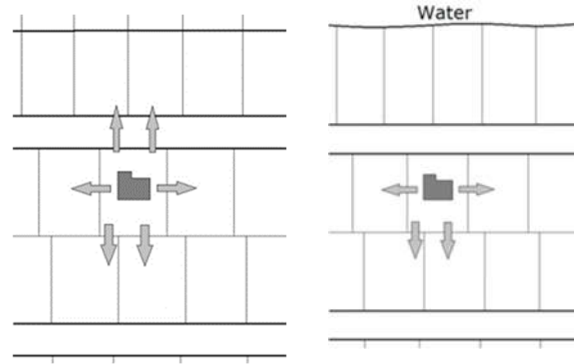
- L. A Pergola or Shade Structure developed as part of, or over, a deck is not considered an Accessory Structure.
- M. The use of an Accessory Structure shall not create any odors detectable beyond the property where it is located.
- N. Category 3 Accessory Structures shall not require a zoning permit before development. If a Category 3 Accessory Structure is developed in a manner prohibited by this Chapter, such shall constitute a violation of the zoning code.
- O. In the LR-2 District, a Storage Tent may be utilized as one of the permitted Category 2 Accessory Structures without requiring a zoning permit. Any Storage Tent utilized as a Category 2 Accessory Structure shall be maintained free of rips and tears. If one is being used or placed in a manner prohibited by this Chapter for a Category 2 Accessory Structure, such shall constitute a violation of the zoning code.
- P. Free Standing Carports shall not be permitted in the LR-1 District. In all other single-family residential districts may be permitted with the following conditions:
  1. The carport shall not be used for the outside storage of materials, equipment, or goods or the parking or storage of inoperable vehicles; and,
  2. Vehicles stored under the carport shall be fully operational and shall display a valid license plate. Recreational vehicles, trailers, and watercraft may be stored underneath the carport if such have a valid Michigan registration and are fully operable; and,
  3. The carport shall not be permanently enclosed or seasonally enclosed on more than two sides.

**4. Accessory Structure Placement.** Accessory Structures may be developed in relation to a Primary Structure under the following placement conditions:

- A. An Accessory Structure may be developed subordinate to a Primary Structure on a waterfront parcel on either the same lot, an adjoining lot on the same side of the street, or a lot across the street, as shown on the adjacent illustration. If an Accessory Structure is placed on an adjacent lot or a lot across the street, that lot and the lot where the primary structure is located must be permanently combined via a recorded deed restriction, which allows the Village to prevent a future decoupling of the parcels.



B. An Accessory Structure may be developed subordinate to a Primary Structure on a non-waterfront parcel on either the same lot, an adjoining lot on the same side of the street, or a lot across the street except as provided herein, as shown on the adjacent illustrations. The ability to place an accessory structure across the street from the primary structure does not apply if the



otherwise vacant lot is a waterfront lot. If an accessory structure is placed on an adjacent lot or a lot across the street, that lot and the lot where the primary structure is located must be permanently combined via a recorded deed restriction, which allows the Village to prevent a future decoupling of the parcels.

C. When an Accessory Structure is placed across a street from the Primary Structure that it is accessory and subordinate to, it must be placed on a lot, which has overlapping parallel right-of-way frontage with the lot where the Primary Structure is located. Lots that may be located across from one another where the right-of-way does not maintain a parallel relationship are not considered to have overlapping frontage.

D. The development and placement of Accessory Structures located across a street from the Primary Structure that such would be accessory and subordinate allowed under subsections A, B, and C of this section shall be limited only to detached garages. Such detached garages must have a footprint of no less than 896 square feet and may only be approved as a Special Land Use.

**5. Accessory Structure Setback Requirements.** Accessory Structures shall be setback from property lines, right-of-ways, public and private streets, and bodies of water, as regulated by the following tables:

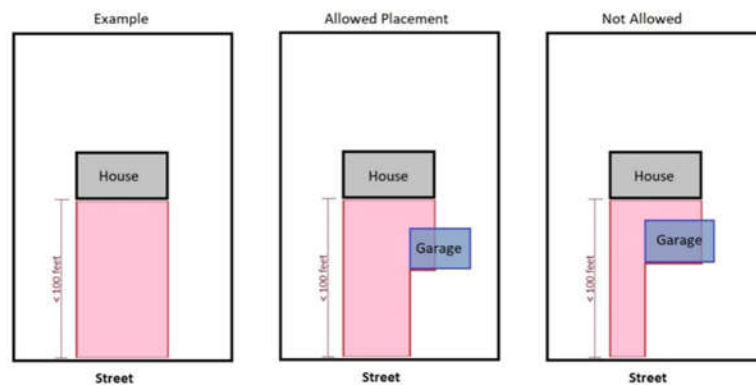
A. Category 1 Accessory Structures:

Parcel Type	Front/Street Yard Setback <sup>(2)</sup>	Secondary Street Frontage	Ordinary High Water Mark	Side Yard	Rear Yard
<b>Non-Waterfront</b>	District Setback	District Setback	NA	8'	20'
<b>Waterfront</b>	District Setback	District Setback	50'	8'	20' <sup>(1)</sup>
<b>T-Lot</b>	25'	NA	50'	8'	20' <sup>(1)</sup>

(1) This setback only applies if the yard abutting the water would not typically be considered the rear yard.



- (2) When a Category 1 Accessory Structure is developed between the Primary Structure and the Front/Street property line, if there are less than one hundred feet (100') from the front/street property line to the nearest point on the Primary Structure, the Accessory Structure may not be placed in a manner where it overlaps with more than 50% of the façade of the Primary Structure as shown in the adjacent illustration.



**B. Category 2 Accessory Structures:**

Parcel Type	Front/Street Yard Setback	Secondary Street Frontage	Ordinary High Water Mark	Side Yard	Rear Yard
Non-Waterfront	Not Permitted	20' <sup>(3)</sup>	NA	8'	5'
Waterfront	District Setback <sup>(2)</sup>	20'	50'	8'	8' <sup>(1)</sup>
T-Lot	District Setback <sup>(2)</sup>	NA	35'	5'	5' <sup>(1)</sup>

- (1) This setback only applies if the yard abutting the water would not typically be considered the rear yard.
- (2) When a shed is placed in the street-side yard of a waterfront parcel, including T-Lots, it shall be placed in a manner where it connects to the driveway.
- (3) For non-waterfront parcels with more than 1 street frontage, sheds may be placed in a street-side yard that does not have means of ingress/egress for the property.

**C. Category 3 Accessory Structures:**

Parcel Type	Front/Street Yard Setback	Secondary Street Frontage	Ordinary High Water Mark	Side Yard	Rear Yard
Non-Waterfront	Not Permitted	20'	NA	8'	5'
Waterfront	Not Permitted	20'	35'	8'	8' <sup>(1)</sup>
T-Lot	District Setback	NA	35'	2'	5' <sup>(1)</sup>

- (1) This setback only applies if the yard abutting the water would not typically be considered the rear yard.

**6. Accessory Structure Size and Height Regulations.** Accessory Structures may be developed in relation to a Primary Structure under the following height and size conditions:

- A. Category 1 and Category 2 Accessory Structures shall not have a width to length ratio, as measured from the exterior edges of the structure at ground level, which exceeds 1:2.
- B. Category 1 Accessory Structures shall be limited to a height of twenty-eight feet (28').
- C. Category 2 and Category 3 Accessory Structures shall be limited to a height of thirteen feet (13').
- D. Category 1 Accessory Structures shall be limited to a maximum footprint of thirteen hundred square feet (1,300 ft<sup>2</sup>). On parcels equal to, or greater than 1.5 acres, the allowed maximum footprint may exceed thirteen hundred square feet (1,300 ft<sup>2</sup>) but shall not exceed the footprint of the Primary Structure.
- E. Sheds, gazebos, greenhouses, and pool houses shall be limited to a maximum footprint of two-hundred forty square feet (240').

- 7. Proliferation of Accessory Structures.** The number of Accessory Structures that may be permitted on parcels in the Village of Lake Isabella shall be limited to the number allowed by the following table:

Parcel Size	Category 1 Accessory Structures	Category 2 Accessory Structures	Category 3 Accessory Structures
Less than 2 Full Platted Lots and all other parcels consisting of less than two full platted lots that are less than one-half of an acre in size.	0 <sup>(1)</sup>	2	2
Parcels consisting of at least two full platted lots and all parcels that are equal to or greater than one-half of an acre to 1.0 Acre in size.	1 <sup>(2)</sup>	2	3
1.01 Acres to 2 Acres	1 <sup>(2)</sup>	3 <sup>(3)</sup>	3
More than 2 Acres	2	4 <sup>(3)</sup>	4

- (1) If the Primary Structure is a single-family dwelling without an attached garage, a detached garage may be developed in place of building an attached garage.
- (2) If the Primary Structure is a single-family dwelling without an attached garage, a second detached garage may be developed in place of building an attached garage.
- (3) Not more than two of these may be sheds.

- 8. Design and Architectural Requirements.** The exterior of Accessory Structures shall comply with the following requirements:

- A. On all Accessory Structures, unpainted, uncolored, or unfinished material is prohibited, except if the material is designed and marketed for residential finish work and is weather-resistant in its unpainted, uncolored, or unfinished state.
- B. Category 1 Accessory Structures shall only be permitted after demonstrating that the

proposed building meets this Chapter's design and architecture requirements. The design and features of such Accessory Structures play a significant role in maintaining the image of a residential setting. Accessory Structures that incorporate features that reinforce the relationship between structures enhance the character of the public appearance of the neighborhood. For this purpose, building facades that face a street or adjacent residentially zoned parcel shall incorporate architectural elements on each elevation of the quality and quantity required by this Section.

1. The Accessory Structure and the Primary Structure shall share the following design and style elements:

Design Requirement	Zoning District						
	LR-1	LR-2	LR-3	LR-4	LR-5	AR	MDR
The Accessory Structure shall have an exterior color scheme that is coordinated, compatible, and matching with the color of the Primary Structure. This includes the color of the roof, color of exterior finish materials, and exterior trim.	R		R	R			R
If siding is used the size of the boards and the orientation of the boards shall be the same as the primary structure.	R		R	R			R
Windows will be oriented in the same manner and shall be of similar size and compatible trim to the windows on the Primary Structure.	R		R	R			R
Eaves and roof overhangs will be limited to a maximum of twenty-four inches (24).	R	R	R	R			R
The Accessory Structure shall have either a gable roof, hip roof, saltbox roof, or the same style of roof as the Primary Structure.	R		R	R		R	R
the Accessory Structure shall either use vinyl siding or the same materials as the exterior of the Primary Structure.	R		R	R			R
Architectural points required, <b>Garage Front</b> (The front is the side with the largest number of bays/garage doors. If the Accessory Structure is placed on a waterfront lot and is placed within 100' of the ordinary High Water mark, that side shall also be considered a "front.):	1 for every 8 feet of linear façade.	1 for every 12 feet of linear façade.	1 for every 8 feet of linear façade.	1 for every 8 feet of linear façade.	1 for every 12 feet of linear façade.	1 for every 12 feet of linear façade.	1 for every 8 feet of linear façade.
Architectural points required, <b>side or rear</b> if facing a street or adjacent residentially zoned property (If the distance from the side of the structure to the adjacent residentially zoned property or right-of-way is 100' or more, only 1 point is required.):	1 for every 16 feet of linear façade.	1 for every 20 feet of linear façade.	1 for every 12 feet of linear façade.	1 for every 12 feet of linear façade.	1 for every 20 feet of linear façade.	1 for every 20 feet of linear façade.	1 for every 12 feet of linear façade.
Architectural points required, <b>side or rear</b> if <u>not</u> facing street or adjacent residentially zoned property.	1	1	1	1	1	1	1
Architectural points required, <b>side or rear</b> if facing property zoned OSR.	1	1	1	1	1	1	1

R = Required

2. If the Accessory Structure has sidewalls greater than twelve feet (12), the points required in B-1 of this Section shall be multiplied by a factor of 1.5.
3. If the Accessory Structure has garage doors on more than one side, all sides with garage doors are required to have the same style of doors.
4. All garage doors, which are greater than eight feet (8) in height, shall have a row of windows spanning across such door.
5. Doors on detached garages shall be limited to a height of ten feet (10). One door may exceed ten feet (10), but shall not exceed a height of fourteen feet (14).
6. Detached garages that feature more than three bays shall have at least one bay recessed from the other bays by at least four feet.
7. Architectural elements that may be used to satisfy the design requirements of this Chapter are as follows:
  - a) Windows, to be counted towards meeting the minimum number of finish points per side, windows shall be of the same function style and shape of the windows on the Primary Structure. All such windows shall be at least seven (7) square feet. (1 point/window)
  - b) Entry Door with Window (1 point/entry door)
  - c) Louvers (1 point)
  - d) Dormers (2 points regardless of number)
  - e) Garage Doors with Windows (1 point per door)
  - f) Light Fixtures (0.5 points per fixture, and a maximum of 1 total point counted per side)
  - g) Cornices or Decorative molding (0.5 per side)
  - h) Color variations of the same material (1 point)  
*[Example: having one color siding to the base of a gable roof and a second color siding above the base of the gable roof.]*
  - i) Variation in the orientation/style of boards, or material variations other than stone or brick veneer. (1 point)  
*[Example: having horizontal siding to the base of the roofline and faux shake shingle siding above the base of the roofline.]*
  - j) Stone or brick veneer (2 points)
  - k) Shutters (0.5 point per window)
  - l) A recess in the façade of at least four feet (2 points)
  - m) Cross Gable Roof (1 point)
  - n) Rooftop Cupola (0.5 awarded to each side)
8. In the LR-2, LR-5, and AR Districts, all required points for side walls may be from a

- single side wall.
9. If a detached garage that was constructed before the effective date of this section is proposed to have changes to the exterior dimensions, only the sides being modified are required to meet the design requirements of this Chapter.
- C. In the LR-1, LR-3, and LR-4 districts, Sheds are required to have exterior sides of wood, resin, or vinyl. Metal roofs are allowed for all sheds.

## HOME OCCUPATIONS

- 1. Home Occupations.** A Home Occupation is an occupation, profession, activity, or use that is clearly secondary in nature and accessory to a property primarily used as a dwelling. The Accessory Use shall be incidental and subordinate to the principal use of the building or property for residential purposes. Home Occupations may be conducted when done so in compliance with the zoning code and any other applicable ordinance or license requirements. Home Occupations may be permitted when in compliance with this Chapter in a single-family dwelling, hangar, or accessory structure to a single-family dwelling.
- 2. Home Occupation Requirements.** The following regulations and requirements shall apply to all Home Occupations:
  - A. The maximum amount of ground floor habitable space allowed for non-residential purposes shall be 40%.
  - B. Commercial-grade lawn equipment, construction equipment, heavy equipment, farm machinery, and landscaping supplies are not permitted to be stored outdoors at the property unless the following conditions are met:
    1. The parcel size is 2 acres or greater
    2. All equipment and supplies are stored inside a fully enclosed lawful primary or accessory building.
    3. Equipment repairs and maintenance shall be done inside a building and be limited to those items owned by the business.
  - C. There will be no changes to the dwelling's exterior that would lessen the structure's single-family residential character or appearance.
  - D. To establish a home occupation, the home must be the primary residence of the proprietor of the business. For primary structures classified as "Hangars" and located within the Lake Isabella Airpark plat, the primary structure only needs to be owned by the proprietor of the home occupation.
  - E. Home occupations shall not cause noise, vibration, smoke, dust, odor, heat, or electrical interference with surrounding structures.
  - F. No home occupation or home business shall have deliveries or customer/client visits between the hours of 8 PM and 8 AM unless otherwise approved by the Planning Commission.
  - G. Walk-in retail or trade is not allowed. Drive-through service or windows are not allowed.
  - H. The outdoor storage or display of items supportive of the home occupation or home business is prohibited.

- I. All parking associated with the home occupation or home business shall occur off-street.
- J. No more than two (2) adult customers, clients, or students shall be on the premises at any one time.
- K. A Home Occupation shall have no more than two employees on-site at any time in addition to the owner or occupant of the property. Immediate family members who reside at the property and are engaged in the Home Occupation are not considered employees for the purposes of this Chapter.
- L. A Home Occupation shall not create a hazard of fire, explosion, radioactivity, or chemical contamination due to its activity.
- M. If the Home Occupation provides a personal service to its clients, such as, but not limited to, Barbers, Cosmetologists, Acupuncture, Counseling, or Massage Therapy, the Home Occupation permit shall not be approved without providing a valid copy of their professional license. Any permit issued shall require the Applicant to provide the Zoning Administrator with an updated copy of their license upon each renewal. In the event the Applicant no longer possesses a valid license from the State of Michigan, the Home Occupation permit shall be revoked automatically.

**3. Prohibited Home Occupations.** The following occupations, uses, and activities are prohibited as a home occupation or as a home business:

- A. Animal Processing or Butchering (This does not include Taxidermy)
- B. The repair, rebuilding, painting, detailing, or sale of motorized vehicles (or any parts thereof). This includes but is not limited to the following items; automobiles, trucks, motorcycles, snowmobiles, watercraft, golf carts, trailers, ATVs, tractors, and lawn equipment.
- C. Kennels.
- D. On-site animal training or grooming.
- F. Medical or dental offices.
- G. Restaurants.
- H. Welding or machine shops.

**4. Application & Permit.** Any person desiring to operate a Home Occupation in the Village of Lake Isabella shall submit an application and accompanying fee to the Zoning Administrator as determined by the Village Council. The application shall be in a form provided by the Zoning Administrator. Applications received by the Zoning Administrator shall be reviewed for conformity with this zoning code. An Applicant may be required to furnish additional information necessary for the Zoning Administrator to establish compliance with this zoning code. After conducting their review, the Zoning Administrator shall issue a Home

Occupation Permit once they are reasonably satisfied the Applicant has complied with the zoning code requirements. Home Occupation Permits may not be sold, transferred, or otherwise assigned to anyone other than the initial Applicant. Permits issued by the Zoning Administrator shall allow for an inspection of the premises once every three calendar years to ensure compliance with the zoning code.

- 5. Medical Marijuana Caregivers.** A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health as established under the Michigan Medical Marihuana Act, being MCLA 333.26421 et seq. (MMMA), operating out of their residence is hereby classified as an exempt Home Occupation and shall be allowed to operate as a Home Occupation with no additional review and approval required by the Village of Lake Isabella.
- 6. Appeals & Revocation.** If a resident or property owner within 300 feet of a Home Occupation believes it is being conducted in violation of this Chapter, a complaint should be filed with the Zoning Administrator. The Zoning Administrator shall investigate the matter and determine if there are any violations of this Chapter or zoning code. If the Zoning Administrator determines that the Home Occupation is in violation of this Chapter or the zoning code, the Zoning Administrator shall inform the operator of the Home Occupation of the violations and provide a reasonable opportunity to address any such issues. Failure to resolve issues identified by the Zoning Administrator shall be grounds to revoke the Home Occupation Permit. If the Zoning Administrator revokes a Home Occupation Permit, that action may be appealed to the Zoning Board of Appeals within thirty days (30) of the revocation.



## COMMERCE DISTRICTS

### 1. Statements of Purpose.

- A. Airport Commercial. The Airport Commercial Zoning District is designed to accommodate uses that are non-residential in nature in conjunction with services generally associated with an airport facility. It is designed to allow light commercial uses that do not diminish the quality or character of the surrounding residential districts. For parcels where the MDOT-adopted landing approach pattern is applicable, development shall not be permitted, which allows for steam, smoke, glare, lighting, landscaping, height, or residential use in conflict with the adopted safety zone patterns. To the extent possible, development shall be done in a manner to create the greatest distance possible from structures to the centerline of the runway
- B. Neighborhood Mixed Use. The Neighborhood Mixed Use District is designed to provide a balanced mix of residential and employment opportunities, creating a focal point of activities in the form of a mixed-use center. The District supports a wide range of service, employment, and housing needs. By allowing for an area of mixed-use, it is intended to maximize the efficient use of land and available public services. To create a mix of housing opportunities in the community and add to the diversity of the Village's non-residential tax base.
- C. Coldwater Business. The purpose and intent of the Coldwater Business District is to provide economic opportunities for uses consistent with general commercial and professional uses. Mixed-use structures with residential uses above the ground floor are encouraged for this District. Specific uses which are required to meet additional criteria as required by Chapter 1270 of the Codified Ordinances shall also comply with such additional criteria, as well as any applicable Overlay Districts in the Zoning Code.

### 2. Commerce District Regulations. Parcel and development shall conform to the following minimum standards below:

District	Parcel Size		Setbacks					Bulk	
	Lot Area (FT <sup>2</sup> )	Min. Lot Width <sup>1</sup>	Street / Right-of-Way Setback	Street Setback (Secondary Frontage)	Min. Single Side Yard	Total Min. Side Yards	Rear Yard <sup>2</sup>	Max. Height	Max. Impervious Surface Coverage
AC	43,560	330	50	50	20	40	25	35	35%
NMU	43,560	100	30	25	5	10	25	35	35%
CB	43,560	150	15	25	5	10	15	35	35%

#### Footnotes to Schedule of District Regulations

1. Lot width shall be measured at the required street yard setback line.
2. All distances are in feet unless otherwise indicated.

### 3. Schedule of Permitted and Special Land Uses in Commerce Districts.

Commercial Uses	Zoning District		
	AC	NMU	CB
Adult Entertainment Business	-	-	S
Agricultural Supply Establishment	-	-	S
Aircraft Hangar, Commercial	S	-	-
Aircraft Hangar, Private	P	-	-
Airport	S	-	-
Airport-related Uses	P	-	-
Apartment Buildings	-	S	S
2nd Floor Apartments above Office/Com	-	-	S
Assisted/Independent Living Facilities	-	S	-
Auction Facilities	-	-	S
Bars & Taverns	-	-	S
Big Box Retailer	-	-	S
Brewery	-	-	S
Brewpub	-	-	S
Bus Depot	-	-	S
Business Office	-	P	P
Campground	-	-	S
Carriage House	P	P	-
Carwash	-	-	P
Child Care Center	-	S	P
Consignment Store	-	-	P
Convenience Store	-	S	P
Duplex	-	S	-
Farm & Heavy Equipment Sales & Service	-	-	S
Filling Station	S	S	P
Financial Institutions	-	P	P
Funeral Parlor & Mortuaries	-	-	P
Gas Station	-	-	S
Golf Courses	-	P	P
Greenhouse, Commercial	-	-	S
Health Professional Offices	-	P	P
Hotel/Motel	-	-	S
Houses of Worship	-	P	P
Indoor Recreation Centers	-	-	S
Kennel, Boarding	-	-	S
Landscaping Contractor	S	-	S
Laundromat	-	-	P
Live-Work Structure	-	-	P
Lumberyard	-	-	S

Commercial Uses	Zoning District		
	AC	NMU	CB
Motor Vehicle Repair	S	-	S
Motor Vehicle Sales	-	-	P
Motor Vehicle Service	S	-	S
Multimedia Production & Broadcast Facility	-	-	P
Nursery	-	-	S
Pawn Shop	-	-	S
Payday Loan & Check Cashing Services	-	-	P
Personal Service Establishment	-	S	P
Private Cemetery	-	S	-
Private Parks	-	S	-
Restaurant	-	S	P
Restaurant, Drive-thru	-	-	S
Retail Establishment	-	S	P
Roadside Stands	-	P	P
RV, Trailer, Watercraft Service & Storage	-	-	P
School, Public, Private, & Parochial	-	S	S
Self-Service Storage Facility	-	-	S
Shopping Center	-	-	S
Single -Family Dwelling	P	P	-
Small Box Retailer	-	-	P
Studios and Workshops	-	S	P
Supermarket	-	-	P
Tattoo Parlor	-	-	S
Theaters & Assembly Halls	-	S	S
Townhouse/Condo	-	P	-
Tow Services	-	-	S
Veterinary Clinic	-	-	P
Wedding Venue	-	-	S

P = Permitted Use

S = Special Land Use

#### 4. Site Development Requirements.

- A. All outdoor storage shall be restricted to yards that are non-adjacent to a public right-of-way and shall be completely screened from any abutting residentially zoned or used property.
- B. Unless otherwise specified in Chapter 1270, no principal or accessory building shall be closer than 60 feet to the property line of any residential district.

C. Coldwater Road Access Management.

1. Driveway Placement: When considering development, driveways shall be located in a manner as close as possible to an existing driveway on the opposite side of Coldwater Road to minimize ingress/egress left turns. If possible, parcels should share driveways in order to minimize the number of access points on Coldwater Road.
2. Driveway Eligibility: For parcels with frontage on an additional street other than Coldwater Road, the first driveway shall be from the non-Coldwater Road frontage. No parcel shall have a second driveway unless it has over 200 feet of street frontage along Coldwater Road and is also approved by the Planning Commission. No parcel shall have more than two driveways along Coldwater Road unless approved by the Planning Commission and has more than 400 feet of street frontage along Coldwater Road.
3. Paved Access: The Village shall only approve development plans which incorporate ingress/egress access from a paved public street or paved private drive.

D. Coldwater Business District Specific Standards.

1. Exterior Materials on all primary structures and all accessory structures equal to or greater than 200 square feet shall be of a durable construction, simple configurations, and solid craftsmanship are required.
2. All heating, ventilation, cooling, refrigeration, and mechanical devices shall be fully screened.

F. For parcels where the MDOT-adopted landing approach pattern is applicable, development shall not be permitted, which allows for steam, smoke, glare, lighting, landscaping, height, or residential use in conflict with the adopted safety zone patterns. To the extent possible, development shall be done in a manner to create the greatest distance possible from structures to the centerline of the runway.

G. Internal parking areas shall conform to the following requirements:

1. Parking areas with spaces facing or adjacent to a residential use or a public right-of-way shall be landscaped along such edges.
2. For parking areas exceeding 30 spaces, interior landscaping evenly dispersed and spaced in the parking area shall be incorporated in order to break up large expanses of pavement and assist with vehicular and pedestrian flow.
3. At least one canopy tree with a trunk diameter of at least 3 inches with a height of 3 feet above grade at the time of planting shall be provided for each 15 parking spaces and fraction thereof as a condition of satisfying the requirement for internal parking area landscaping.

4. Nothing contained herein shall be deemed to prevent a shared parking agreement between multiple parcels and use to meet on-site parking needs.
  5. When developing a vacant site, parking areas should be designed to allow for future connections to neighboring parcels.
  6. Electric Vehicle Charging stations are an allowed Accessory Use and shall meet a minimum setback of five feet from any property line.
  7. Parking lots constructed after the effective date of this Section that has 50 or more parking spaces are required to have no less than 4% (rounding down to the nearest whole number) of their spaces EV Ready at the time of development.
- H. Any required landscaping, including landscaping done in conjunction with ground signs, shall be appropriately maintained and seasonably weeded.
- I. New developments shall have the following required plantings that conform to Chapter 1282 of the zoning code:
1. For every one thousand square feet (1,000) and fraction thereof of gross floor area developed, the following number of trees shall be required to be planted on-site in addition to those used for internal parking areas:
    - a) 2 Canopy/Shade trees; or,
    - b) 1 Canopy/Shade tree and 2 Ornament trees; or,
    - c) 1 Canopy/Shade tree and 4 shrubs; or,
    - d) 3 Evergreen trees
- 5. Design Requirements.** New primary structures developed after the date of adoption of this Chapter in the Coldwater Business District shall conform to the following development requirements:
1. Exterior walls facing a street shall have at least 20% of transparent window or door space.
  2. Transparent windows are required on all sides of each floor of the structure.
  3. Pitched roofs shall have a slope of no less than 4:12.
  4. For all new structures, any façade facing a street that exceeds sixty linear (60') feet shall be staggered into multiple bays or shall create the impression of multiple bays which are offset by at least six linear (6') feet.
- 6. Outdoor Display & Storage of Merchandise.** The outdoor display and storage of merchandise or inventory shall comply with the following conditions:
- A. The display and offering of merchandise on any sidewalk or walkway outside of a public right-of-way are permitted as long as at least four feet of clearance is maintained on the sidewalk.

- B. If inventory is stored outside the structure, such inventory shall be screened from adjacent property zoned for single-family residential use and from the public right-of-way the business faces.
- C. The overnight storage of merchandise and inventory in any parking lot facing a public right-of-way shall not reduce the number of available parking spaces to a number less than is required on an approved Site Plan or Special Land Use approval.
- D. If the use of parking spaces for the outdoor sale of merchandise exceeds 180 days per calendar year, the use shall be approved by submitting a zoning permit to the Zoning Administrator.

## ACCESSORY STRUCTURES IN COMMERCE DISTRICTS

1. **Purpose.** The purpose of this Chapter is to establish regulations governing the development and use of Accessory Structures in districts of Commerce as described in Chapter 1240.
2. **General Requirements**
  - A. An accessory structure shall not be constructed, altered, continued, maintained, or otherwise located on a parcel of property until after the associated primary structure has been completed. An accessory structure shall not remain, and must be removed, if the primary structure is removed, destroyed, or otherwise eliminated to which it was subordinate.
  - B. Unless otherwise provided, accessory structures shall be subject to the same use regulations as the primary structure that it is subordinate to.
  - C. An accessory use shall always exist in conjunction with, and never without, a legally established primary use. Said primary use and structure shall be located on the same parcel and be of the same owner as the accessory use or structure. On parcels with multiple uses conducted in different structures, the Zoning Administrator shall make a determination as to which structure and use is the primary use and structure based on the frequency and intensity of the uses occurring at the parcel.
  - D. No mobile home or trailer, truck trailer, railroad car, or storage pod shall be utilized as an accessory structure.
  - E. Free-standing carports and portable garages shall not be permitted.
  - F. All accessory structures permitted under this Chapter with a footprint of 400 square feet or more shall be firmly attached to a foundation, with the exception of pole construction structures.
  - G. All pole construction structures shall have a concrete floor.
  - H. Accessory structures shall comply with all setback and built-to lines.
  - I. If the Accessory Structure is to be located on a parcel where the only established use is that of a single-family dwelling, the development of such Accessory Structure(s) shall be regulated and governed by Chapter 1234 of the Zoning Code and not this Chapter.
  - J. If an Accessory Structure is erected to be subordinate to a non-residential primary structure or use, the primary structure and use may not change to single-family residential in the future if the Accessory Structure does not meet the requirements for single-family residential Accessory Structures.

### 3. District Regulations

A. The size, height, and number of Accessory Structures shall be limited as follows:

District	Maximum Number Allowed Over 400 ft <sup>2</sup>	Height Limitation	Size Limitations
NMU	1 + 1 for each full acre of area over 1 acre	28'	Equal to, or less than, the ground floor footprint of the Primary Structure
CB	2 + 1 for each full acre of area over 1 acre	30'	Equal to, or less than, 150% of the ground floor footprint of the Primary Structure
AC	1+ 1 for each full acre of area over 1 acre	28'	Equal to, or less than, the ground floor footprint of the Primary Structure

B. The Zoning Administrator shall have the authority to approve applications for Accessory Structures with a ground floor footprint of one thousand three hundred (1,300) square feet or less. All other Accessory Structures shall require Site Plan approval.

4. **Landscaping Requirements.** Additional landscaping and/or privacy fencing may be added by the Zoning Administrator or Planning Commission during the approval process if such is needed to properly screen structures from adjacent parcels.

### 5. Design Requirements

A. All accessory structures greater than 300 square feet shall be constructed so that the appearance of its exterior is uniform and resembles the color and materials of the primary structure to which it is subordinate to as follows:

1. Appearance is measured when viewed from an adjacent property or from water bodies, streams, rivers, roads, parks, or other facilities open and accessible to the public.
2. Identical material is not required, but the following characteristics shall be the same or similar.
  - a) The orientation of boards, grooves, grains, shingles, and other exterior characteristics.
  - b) A finished design and color scheme that is coordinated and compatible with the color and design of the primary structure to which it is subordinate to.
  - c) Color of roofing.
  - d) Style of siding (Including, but not limited to, the apparent length and



- width of boards, shakes, or panels, and the texture, reflectivity, or gloss of the materials.).
- e) Style of roofing (Including, but not limited to, the apparent length and width of shingles, shakes, boards, or panels and the texture, reflectivity, or gloss of the materials as well as the type of roof i.e., hip, mansard, gambrel, gable...).
  - f) Roof pitch shall be equal to that of the primary structure to which it is subordinate to unless otherwise approved by the Planning Commission.
3. Notwithstanding this Chapter, an accessory structure is not required to match granite, brick, stone, concrete masonry, or other stone-like materials used on the primary structure. However, the material used must resemble the color and style used with the primary structure to which it is subordinate to.
- B. All accessory structures greater than 300 square feet in ground coverage shall include a minimum of two (2) different architectural features on the front façade; architectural features may include items such as windows, doors, gable entry, or faux louver windows, and other similar design features.
  - C. All accessory structures greater than 300 square feet in ground coverage shall include, as a minimum, the combination of at least two (2) architectural or landscape features along any sidewall with a height equal to or greater than 10 feet and along any sidewall directly adjacent to or visible from a public right-of-way. Landscaping features shall include shrubs or trees of at least four (4) feet in height at the time of planting.
  - D. Unpainted, uncolored or unfinished material is prohibited for use on the exterior of all accessory structures unless such material is specifically designed and marketed for exterior use and is weather-resistant in its natural or unfinished state.

## Production Districts

1. **Purpose.** Production districts are areas where raw materials may be grown or materials converted into a finished product. These districts often have uses that have compatibility issues with residential uses, and as such appropriate siting, screening, and controls may be necessary to ensure that established residential uses are not negatively impacted. This Chapter creates two such districts and has additional district-specific regulations.
2. **Agricultural District.** It is recognized that the public health and welfare of the citizens of the Village of Lake Isabella, Isabella County, the State of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. This district is intended to ensure that land areas within the village that are suited for the production of food and fiber are retained for such production whenever possible.

The Ag District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical processes of saleable farm products as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).

Other specific purposes, in addition to family farm residences, for which this district is established include: To preserve woodlands and wetlands associated with farms which, because of their natural physical features, are useful as water retention and groundwater recharge areas and as habitat for plant and animal life; and which have important aesthetic and scenic values which contribute to the unique character of the agricultural district; and, To control the conversion of agricultural land to scattered non-farm development which, when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture. To achieve these goals, the use of lands in the Ag District shall comply with the following:

- A. All lands within this district within the Waterfront–Shoreland District, as defined in Chapter 1260, must meet the site development standards and other provisions outlined in Chapter 1260.
- B. The use of land and structures within the Agricultural (Ag) District shall meet the dimensional requirements and other requirements of the codified ordinances of the Village of Lake Isabella.
- C. For parcels where the MDOT-adopted landing approach pattern is applicable, development shall not be permitted, which allows for steam, smoke, glare,

- lighting, landscaping, height or residential use in conflict with the adopted safety zone patterns. To the extent possible, development shall be done in a manner to create the greatest distance possible from structures to the centerline of the runway.
- D. All farm buildings and accessory structures shall be sited at least 60 feet from the lot lines when adjoining a residential district or a minimum of 300 feet from an existing neighboring residential dwelling.
  - E. Roadside stands may be allowed. Such activity must provide access to an off-street parking area on the property.
- 3. Research & Light Manufacturing District.** The Research & Light Manufacturing (RLM) District is herein established to provide for a community of research, technical, office, service, training, wholesale activities, warehouses, and industrial production uses that are in no manner detrimental to surrounding districts. This area is further designated to ensure the compatibility between the uses and structures permitted herein and the existing activities and character of the community in which the district is located. The district is specifically intended to prohibit commercial and retail uses which by their nature require constant short-term parking and traffic from the general public. To achieve these goals, the use of lands in the RLM District shall comply with the following:
- A. The use of land and structures in the Research & Light Manufacturing District shall be regulated by Chapter 1270 of the Codified Ordinances of the Village of Lake Isabella.
  - B. All new structures with a Gross Floor Area equal to, or greater than, ten thousand square feet (10,000) must achieve a Leadership in Energy & Environmental Design (LEED) Certified rating. An existing structure with a Gross Floor Area equal to, or greater than, ten thousand square feet (10,000) must achieve a Leadership in Energy & Environmental Design (LEED) Certified rating if such structure is intended to be expanded by twenty-five percent (25%) or more of the existing gross floor area. An existing structure with a Gross Floor Area of less than ten thousand square feet (10,000) must achieve a Leadership in Energy & Environmental Design (LEED) Certified rating if expanded to a Gross Floor Area of ten thousand square feet (10,000) or greater.
  - C. Industrial operations involving the manufacturing, processing, assembling, or packaging of finished or semi-finished products are required to be fully enclosed in a structure.
  - D. The Planning Commission may require that all raw materials and finished products be kept inside a fully enclosed structure.

- E. No use allowed under this Chapter shall permit noise, odors, sound, vibration, smoke, fumes, glare, heat, or dust to exit the property where the use is allowed.
- F. On-site accessory sales shall be regulated by the Planning Commission.
- G. For parcels where the MDOT-adopted landing approach pattern is applicable, development shall not be permitted, which allows for steam, smoke, glare, lighting, landscaping, height or residential use in conflict with the adopted safety zone patterns. To the extent possible, development shall be done in a manner to create the greatest distance possible from structures to the centerline of the runway.
- H. New developments in the RLM District shall have the following required plantings that conform to the requirements of Chapter 1282: For every one thousand square feet (1,000) and fraction thereof of gross floor area developed the following number of trees shall be required to be planted on-site in addition to those used for internal parking areas:
  - a) 2 Canopy/Shade trees; or,
  - b) 1 Canopy/Shade tree and 2 Ornament trees; or,
  - c) 1 Canopy/Shade tree and 4 shrubs; or,
  - d) 3 Evergreen trees

**4. Parcel Regulations.**

District	Parcel Size		Setbacks					Bulk	
	Lot Area (FT <sup>2</sup> )	Min. Lot Width <sup>1</sup>	Street / Right-of-Way Setback	Street Setback (Secondary Frontage)	Min. Single Side Yard	Total Min. Side Yards	Rear Yard <sup>2</sup>	Max. Height	Max. Impervious Surface Coverage
<b>Ag</b>	217,800	150	50	50	20	40	35	35 <sup>3</sup>	10%
<b>RLM</b>	217,800	330	50	50	20	40	40	40	35%

**Footnotes to Schedule of District Regulations**

1. Lot width shall be measured at the required street yard setback line.
2. All distances are in feet unless otherwise indicated.
3. This limitation does not apply to necessary farm structures which are limited to a height of 100'.

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## 5. Permitted and Special Land Uses.

Production Uses	Zoning District	
	RLM	Ag
Agricultural Labor Housing	-	S
Agricultural Supply Establishment	-	S
Airport	S	S
Airport-related Uses	-	S
Amusement Parks & Fairgrounds	S	S
Asphalt/Concrete Plant	S	-
Auction Facilities	S	-
Borrow Pit	S	S
Brewery	S	S
Bulk Fuel Storage Center	S	S
Bus Depot	S	-
Campground	-	S
Carwash	S	-
Commercial Agricultural Enterprise	-	S
Commercial Excavator	S	S
Conservation Area	-	P
Crematories	S	-
Dry Cleaning Plant	S	-
Farm	-	P
Farm & Heavy Equipment Sales & Service	-	S
Filling Station	S	S
Fish Hatchery	-	S
Flea Market	-	S
Food Processing Plant	S	S
Grain Elevator	-	S
Greenhouse, Commercial	P	P
Houses of Worship	-	P
Hunting & Gun Club	-	S
Kennel, Boarding	P	S
Landscaping Contractor	P	P
Live-Work Structure	-	P
Lumberyard	S	-
Manufacturing, Heavy	S	-
Manufacturing, Light	S	-
Manufacturing, Medium	S	-
Motor Vehicle Repair	S	-
Nursery	P	P
Outdoor Recreation Facilities	-	S

Production Uses	Zoning District	
	RLM	Ag
Print Plant	S	-
Private Cemetery	-	S
Public Utility Facilities	S	S
Quarry	S	S
Racetrack	S	-
Recycling Drop-off Sites	S	S
Research Facility	S	-
Roadside Stands	-	P
RV, Trailer, Watercraft Service & Storage	S	-
Salvage Yards	S	-
Sawmill	S	S
School, Public, Private, & Parochial	-	S
Self-Service Storage Facility	S	S
Solar Energy Facility	P	P
Studios and Workshops	-	S
Telecommunication Tower	S	S
Tow Services	S	-
Veterinary Clinic	-	P
Warehouse, Distribution	P	-
Winery	S	S
Zoo	-	S

P = Permitted

S = Special Land Use

- 6. Bulk Limitation.** In the Agricultural District and Research & Light Manufacturing District, the maximum allowed structure footprint on parcels less than ten acres shall be limited to ten thousand square feet (10,000').

## ACCESSORY STRUCTURES IN PRODUCTION DISTRICTS

1. **Purpose.** The purpose of this Chapter is to establish regulations governing the development and use of Accessory Structures in districts of Production as described in Chapter 1250.
2. **General Requirements**
  - A. An accessory structure shall not be constructed, altered, continued, maintained, or otherwise located on a parcel of property until after the associated primary structure has been completed. An accessory structure shall not remain, and must be removed, if the primary structure is removed, destroyed, or otherwise eliminated to which it was subordinate.
  - B. Unless otherwise provided for, accessory structures shall be subject to the same use regulations as the primary structure that it is subordinate to.
  - C. An accessory use shall always exist in conjunction with, and never without, a legally established primary use. Said primary use and structure shall be located on the same parcel and be of the same owner as the accessory use or structure. On parcels with multiple uses conducted in different structures, the Zoning Administrator shall make a determination as to which structure and use is the primary use and structure based on the frequency and intensity of the uses occurring at the parcel.
  - D. No mobile home or trailer, truck trailer, railroad car, or storage pod shall be utilized as an accessory structure.
  - E. Free-standing carports and portable garages shall not be permitted.
  - F. All accessory structures permitted under this Chapter with a footprint of 400 square feet or more shall be firmly attached to a foundation, with the exception of pole construction structures.
  - G. All pole construction structures located outside of Agricultural or Open Space districts shall have a concrete floor.
  - H. Accessory structures shall comply with all setback and built-to lines.
  - I. If the Accessory Structure is to be located on a parcel where the only established use is that of a single-family dwelling, the development of such Accessory Structure(s) shall be regulated and governed by Chapter 1234 of the Zoning Code and not this Chapter.
  - J. If an Accessory Structure is erected to be subordinate to a non-residential primary structure or use, the primary structure and use may not change to

single-family residential in the future if the Accessory Structure does not meet the requirements for single-family residential Accessory Structures.

### 3. District Regulations

A. The size, height, and number of Accessory Structures shall be limited as follows:

District	Maximum Number Allowed Over 400 ft <sup>2</sup>	Height Limitation	Size Limitations
RLM	2 + 1 for each full acre of area over 1 acre	Same as the total District limit	5,000 ft <sup>2</sup>
Ag	No Limit	Same as the total District limit	5,000 ft <sup>2</sup>

B. The Zoning Administrator shall have the authority to approve applications for single-story Accessory Structures which have a ground floor footprint of two thousand five hundred (2,500) square feet or less. All other Accessory Structures shall require Site Plan approval.

4. **Landscaping Requirements.** Additional landscaping or privacy fencing may be added by the Zoning Administrator or Planning Commission during the approval process if such is needed to properly screen structures from adjacent parcels.

### 5. Design Requirements

A. All accessory structures greater than 200 square feet shall be constructed so that the appearance of its exterior is uniform and resembles the color and materials of the primary structure to which it is subordinate to as follows:

1. Appearance is measured when viewed from an adjacent property or from water bodies, streams, rivers, roads, parks, or other facilities open and accessible to the public.
2. Identical material is not required, but the following characteristics shall be the same or similar.
  - a) The orientation of boards, grooves, grains, shingles, and other exterior characteristics.
  - b) A finished design and color scheme that is coordinated and compatible with the color and design of the primary structure to which it is subordinate to.
  - c) Color of roofing.
  - d) Style of siding (Including, but not limited to, the apparent length and width of boards, shakes, or panels, and the texture, reflectivity, or gloss of the materials.).



- e) Style of roofing (Including, but not limited to, the apparent length and width of shingles, shakes, boards, or panels and the texture, reflectivity, or gloss of the materials as well as the type of roof i.e. hip, mansard, gambrel, gable...).
  - f) Roof pitch shall be equal to that of the primary structure to which it is subordinate to unless otherwise approved by the Planning Commission.
3. Notwithstanding this Chapter, an accessory structure is not required to match granite, brick, stone, concrete masonry, or other stone-like materials used on the primary structure. However, the material used must resemble the color and style used with the primary structure to which it is subordinate to.
- B. All accessory structures greater than 200 square feet in ground coverage shall include a minimum of two (2) different architectural features on the front façade; architectural features may include items such as windows, doors, gable entry, or faux louver window, and other similar design features.
  - C. All accessory structures greater than 200 square feet in ground coverage shall include, as a minimum, the combination of at least two (2) architectural and/or landscape features along any sidewall with a height equal to or greater than 10 feet and along any sidewall directly adjacent to or visible from a public right-of-way. Landscaping features shall include shrubs or trees of at least four (4) feet in height at the time of planting.
  - D. Unpainted, uncolored or unfinished material is prohibited for use on the exterior of all accessory structures unless such material is specifically designed and marketed for exterior use and is weather-resistant in its natural or unfinished state.

## SPECIAL DISTRICTS

1. **Purpose.** The purpose of this Chapter is to create and regulate additional zoning districts that are unique in character and serve a defined purpose. This includes an overlay district created to help protect the surface water resources in the community.
2. **Open Space Recreational District.** This district aims to create areas of open space with limited development that can be used in common by members of residential developments, thereby reducing the need for publicly allocated lands and funds for parks and other recreational areas.
  - A. **Permitted Structures.** The following uses and structures may be permitted in the OSR District:

Use or Structure	Approval
Baseball/Softball Fields and Dugouts	P
Basketball, Pickleball, and Tennis Courts	P
Bathhouses & Restrooms	P
Boat Launches	S
Campground	S
Communication Towers	S
Community Docking Areas	P
Football/Soccer Fields	P
Gazebos & Benches	P
Informational Kiosks	P
Maintenance Facilities and Filling Stations	P
Non-motorized Trails	P
Offices and Organizational Assembly Halls	P
Pavilions & Outdoor Cooking Areas	P
Playgrounds & Play Structures	P
Recycling Drop-off Bins	P
RV, Trailer, Watercraft Storage	P
Skateboard Areas	P
Skating & Sledding Areas	P
Solar Energy Facility	S
Storm Shelters	P

Footnote: Incidental items such as benches, picnic tables, grilling stands/pits, bon-fire pits, bike racks and similar items are allowed without approval from the Village.

- B. District Use Prohibitions. The use of parcels zoned Open Space Recreation shall be limited in the following manner:
1. No parcel zoned Open Space Recreational may at any time have a dwelling located thereon.
  2. Parcels zoned Open Space Recreational must be used only by larger residential developments, which are residential developments of at least 40 acres in size.
- C. Site Development Standards.
1. Service roads are permitted (and are not required to be built to village street standards) to service all areas located on a parcel zoned Open Space Recreational. Such roads must still be approved by the Village.
  2. No parcel zoned Open Space Recreational may designate more than 7% of the total square footage of that parcel as a permanent parking area. “Parking area” shall be figured on the total square footage of the parcel multiplied by 7%. Additional space may be utilized for overflow parking as needed and shall not be considered a permanent parking area as long as the overflow occurrence is limited to not more than an average of 40 occurrences in any calendar year.
  3. Landscaping shall be maintained in a neat and orderly manner at all times.
  4. Any parcel zoned Open Space Recreational shall, at a minimum, have at least 80% of the total ground area uncovered and in an “open sky” state.
  5. Parcel dimension and setback for the OSR are as follows:

District	Parcel Size		Setbacks					Bulk	
	Lot Area (FT <sup>2</sup> )	Min. Lot Width <sup>1</sup>	Street / Right-of-Way Setback	Street Setback (Secondary Frontage)	Min. Single Side Yard	Total Min. Side Yards	Rear Yard <sup>2</sup>	Max. Height	Max. Impervious Surface Coverage
OSR	NA	NA	35	25	20	8	35	NA	20%

**Footnotes to Schedule of District Regulations**

1. Lot width shall be measured at the required street yard setback line.
2. This setback does not apply to Boat Launches

- 3. Waterfront-Shoreland Overlay District.** The Waterfront–Shoreland Overlay District is an overlay district intended to ensure that the environmental and aesthetic quality of the surface water resources, surrounding lands, and wetlands of the Village of Lake Isabella are protected from misuse and degradation.

The surface water resources of the Village of Lake Isabella are a valuable asset to the citizens of the Village and are also utilized by people downstream of the Village. The purpose of this district is to provide specific regulations which will further the maintenance of safe and healthful conditions; prevent and control water pollution; reduce the possible causes and

effects of erosion and eutrophication; protect fish and other aquatic life; provide for the wise utilization of water and related land resources; and control development so as to preserve the economic and natural environmental value of shoreland areas.

It is recognized that the surface water resources of the Village are a shared resource of relatively fixed supply and, thus, must be regulated in a manner that will ensure reasonable usage by riparian property owners and the general public.

- A. Overlay Zone Established. This overlay district includes all lands, parcels, and lots in any zoning district of the Village which are contained wholly or partially within 1,000 feet of the ordinary high-water mark of any state-designated navigable waters and other significant waters, including but not limited to, the Chippewa River and Lake Isabella. For the purposes of this zoning code, the separation point between the Chippewa River and Lake Isabella shall be the Sherman/Broomfield township line where the Chippewa River flows into the Village. Lake Isabella shall be considered all continuous waters from that point to the dam, where the name of the waterway shall return to the Chippewa River.

The regulations and requirements of this overlay district shall be deemed to be in addition to all standards, regulations, and requirements of the underlying zoning district involved.

- B. Site Development Standards.

1. Building Setback: No portion of any primary or accessory structure, including decks, and boat houses, shall be located within 35 feet of the ordinary high-water mark of any body of water.
2. Exempted Accessory Structures: For purposes of the above setback requirement, not more than one flagpole less than 20' in height, and lawful docks which may include an improved "landing area" area located at the shore-end of a dock (and on dry land) including benches and tables, are not considered accessory structures.
3. Permits Required: Before the issuance of any zoning permit for lands in the overlay district, the Village shall first be provided with a copy of a soil erosion permit from Isabella County and all permits required by the state of Michigan.

- C. Docks & Boat Launches.

1. No boat ramp, boat launch, or similar facilities may be constructed, improved, or utilized in any residential zoning district for the launching of boats. Nevertheless, areas of natural grade for boat launching may be used in their natural state as long as they remain in their natural slope and vegetative state and are used only for the owner of the particular lot or parcel involved.
2. Boat ramps, boat launches, or similar facilities for the launching of boats are permitted only in the Open Space Recreational district. For every 5,000 feet of frontage in the Open Space Recreational district that is in common ownership by any

single individual, organization, or association, one (1) launching site may be allowed by the issuance of a zoning permit. All such facilities shall be constructed, operated, and maintained in the following manner:

- a) All such facilities shall be properly gated and locked. Rules governing the use of such facilities shall be drafted and administered by the owning body of any parcels located within the Open Space Recreational district.
- b) Facilities for launching boats in the Open Space Recreational district may be operated and maintained above and below the ordinary high-water mark as regulated by the State of Michigan, including the placement of cement, stones, brick, or other hard materials to create a launching and mooring surface.

## STANDARDS FOR SPECIFIC USES

1. **Purpose.** This Chapter creates a centralized location in the zoning code for development standards for many specific uses identified in the zoning code. The development and use of land in the Village of Lake Isabella shall occur only as may be allowed in the zoning code. The zoning code contains other areas where specific requirements are listed for various projects, including single-family dwellings.
2. **Use Requirements.**
  - A. Uses not Designated. Since every potential use cannot be anticipated, this section provides a process for addressing uses not specifically listed or those that cannot be reasonably interpreted as substantially the same as those listed.
    1. **Review Standards.** The Zoning Administrator or Planning Commission shall base the decision on a finding that the proposed use satisfies all of the following:
      - a) Is not specifically listed in any other district;
      - b) Is generally consistent with the purpose of the proposed district location;
      - c) Shall not impair the present or potential use of other properties within the same district or the neighboring area;
      - d) Has no greater potential impact on surrounding properties than those listed in the district in terms of aesthetics, traffic generated, noise, potential nuisances, and their impacts related to health, safety, and general welfare; and
      - e) Shall not adversely affect the *Master Plan*.
    2. **Decision.** The Zoning Administrator may determine that the use is similar to permitted uses in the proposed district and shall be either a use permitted by right or a Special Land Use. The Zoning Administrator or applicant may request that the Planning Commission make this determination. Appeals to the written determination of the Zoning Administrator or Planning Commission shall be heard before the Zoning Board of Appeals and shall be filed within 30 days of the written notice provided to the applicant.
    3. Uses approved under this section shall undergo the same review process, and meet the same standards, as the use it is found to be similar to.
  - B. Outdoor Dining. For any permitted or special use that prepares or serves food on-site, outdoor dining facilities are allowed by right and not subject to approval from the Village, provided such use is outside of the public right-of-way and done outside of an approved parking lot or required setback.
  - C. Designated Uses. In addition to any other requirements contained in the zoning code, development standards for other specific uses defined in the Zoning Code shall be as follows:

1. Adult Entertainment Business. In the development of a community, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these objectionable uses is necessary to ensure that their adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood, increase crime and prostitution, or deteriorate property values. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., not more than one such use within 1,320 feet of another which would create such effects) is based on no less than the following eight documented effects of such use:
  - a) Sexually oriented businesses featuring nudity and sexual activities produce negative secondary effects of increased crime rates, declining or depressed property values, and a diminished sense of safety and security in members of the general public when walking in the vicinity of these businesses;
  - b) The negative secondary effects of sexually oriented businesses can be reduced or minimized by dispersing the sexually oriented businesses and requiring minimum distances between the sexually oriented businesses;
  - c) The negative secondary effects of sexually oriented businesses are exacerbated by close proximity to bars serving alcoholic beverages by the glass;
  - d) To minimize the negative secondary effects of sexually oriented businesses on residential areas and the community at large, the sexually oriented businesses should be located a minimum distance away from any residential zoning district, school, church, or public park;
  - e) The zoning regulations allow for the location of sexually oriented businesses within specified zoning districts of the Village of Lake Isabella, and a reasonable number of sites legally are available to be acquired and used by sexually oriented businesses;
  - f) The negative secondary effects of public nudity, live nude performances, and the combination of nudity and businesses serving alcoholic beverages by the glass can be minimized or eradicated by a local ordinance prohibiting public nudity as authorized by Michigan Statutes;
  - g) Requiring dancers and other performers to wear a minimal amount of clothing, such as pasties and a G-string, in order to comply with the ordinance will have little or no effect on the expressive element of the performances;
  - h) The zoning code provisions prohibiting public nudity, live nude performances, and the combination of nudity and businesses serving alcoholic beverages by the

glass are narrowly drawn to apply to businesses and performers that offer nude performances on a regular basis, excluding occasional nude performances from the purview of the ordinance.

- i) The above rationale is based upon numerous studies and findings of fact considered by the Village Council and Planning Commission at the time of the original adoption of this Section which document a clear connection between sexually oriented businesses and a negative impact without limitation on the surrounding community. These studies and findings of fact include:
- “Report of the (Minnesota) Attorney General’s Working Group on the Regulation of Sexually Oriented Businesses;” June 6, 1989
  - “Impact of Adult Entertainment Uses, Measurement of Occupancy and Assessment Trends in Adjacent Residential Neighborhoods,” City of Lansing, Michigan Planning Division; April 1988
  - “Adult Entertainment Business in Indianapolis,” Department of Metropolitan Development, Division of Planning; February 1984
  - “Report on Adult Oriented Businesses in Austin,” City of Austin, Texas Office of Land Development Services; May 19, 1986
  - “Study of the Effects of the Concentration of Adult Entertainment Establishments in Los Angeles,” Department of City Planning, Los Angeles, CA; June 1977.
  - “Regulation of Adult Entertainment Establishments in St. Croix County,” St. Croix County, WI, September 1993.
  - “A Report on Zoning and Other Methods of Regulating Adult Entertainment in Amarillo,” City of Amarillo, TX; September 12, 1977
  - Memorandum, “Zoning Controls for Adult Only Theaters,” City of Seattle, WA Environmental Management Division, Department of Community Development; March 11, 1976.
  - “Revised Director’s Report on Adult Entertainment,” City of Seattle, WA, Department of Construction and Land Use; August 1989
  - “Adult Business Study,” City of Phoenix, AZ, Planning Department; May 25, 1979
  - “Pornography, Its Effect on the Family, Community & Culture,” David Alexander Scott, Published by Child & Family Protection Institution; 1985.
  - “Adult Entertainment Study,” City of New York, NY, Planning Department, 1994.



- “Final Report to the City of Garden Cove: The Relationship between Crime and Adult Business Operations on Garden Grove Boulevard,” R. McCleary and J.W. Meeker, City of Garden Grove, CA; 1991
  - “Report to the American Center for Law & Justice on the Secondary Impacts of Sexually Oriented Businesses,” Environmental Research Group; 1996
  - “Sexually Oriented Business, An Insider’s ‘view,’” David Sherman, Michigan House Committee on Ethics and Constitutional Law, January 12, 2000
  - Myriad of state and federal court decisions have been reviewed by the Village’s legal counsel.
- j) Locational Regulations. An application to establish an adult entertainment activity shall not be approved if there is already in existence 1 or more adult entertainment activities within 1,320 feet of the boundaries of the site of the proposed activities, except as otherwise provided for within this section.
- i) An application to establish an adult entertainment activity shall not be approved if the proposed location is within 1,320 feet of any existing single-family dwellings or within 500 feet of any state-licensed mobile home park, bar or tavern, licensed day care center, adult foster care home, senior citizens' center, K thru 12 school, public park, or church, excepting as otherwise provided for in the zoning code.
  - ii) The Village Council may waive the locational standards limiting adult entertainment activities as they relate to similar uses if the following findings are made:
  - iii) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of the article will be observed.
  - iv) That the proposed use will not enlarge or encourage the development of a "skid row" area.
  - v) That the establishment of such regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
  - vi) That all applicable regulations of the code of ordinances will be observed.
  - vii) The Village Council may waive the locational standards limiting adult entertainment activities as they relate to residentially zoned districts, licensed day care centers, adult foster care homes, senior citizen centers, state-licensed mobile, bar or tavern K thru 12 schools, public parks, or churches; provided that a validated petition requesting such a waiver, signed by the owners of record of at least 51 percent of parcels of land within 1,320 feet of the proposed location is presented to the Planning Commission

during its review of the project prior to its recommendation to the Village Council. The circulated petition shall contain the following:

- viii) The circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the circulator witnessed the signatures on the petition, and the same were affixed to the petition by the person whose name appeared thereon.
- ix) The petition will be so worded that the signers will attest to the fact that they are the owners or purchasers of the parcel of land identified by the permanent parcel number opposite their signature.
- x) An applicant requesting a waiver of locational requirements shall file an application with the Zoning Administrator; however, the Zoning Administrator shall not accept an application for the waiver of locational requirements for an adult entertainment activity as they relate to residentially zoned districts, licensed day care centers, adult foster care homes, senior citizen centers, state-licensed mobile home park, bar or tavern K through 12 schools, public parks, or churches without a petition as required herein. Said petition shall be validated by the Village Clerk. The Zoning Administrator shall then notify the Planning Commission of the receipt of the requests and petition within 15 days of filing.
- xi) Prior to the granting of a waiver of locational requirements, Village Council may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operations of regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- k) Operational Regulations.
  - i) No person under the age of 18 shall be employed by a sexually oriented business or by an adult entertainment activity.
  - ii) No person under the age of 18 shall be allowed to enter into a sexually oriented business or adult entertainment activity or be provided goods or services at any time.
  - iii) At no time may any of the following be visible or audible to a person outside of the structure where the sexually oriented business or adult entertainment activity is located:
    - a. Any depiction or description in any material of any specified sexual activity or specified anatomical area.
    - b. Any novelty item or literature

- c. Any person engaging in any specified sexual activity or specified anatomical area.
- iv) No sexually oriented business or adult entertainment activity shall allow for the sale or consumption of alcoholic beverages by the glass.
- v) Hours of operation shall be between the hours of noon and midnight.
- vi) No business shall be conducted on Sundays or any federal holiday.
- vii) At least two employees, excluding entertainers, shall be on the premises at all times during operating hours.
- viii) The business shall be equipped with operational security cameras, which shall be used at all times during operational hours.
- ix) No signs or other advertisements may include photographs, silhouettes, drawings, descriptions, or other representations of any specified anatomical areas or specified sexual activity.
- x) All sexually oriented businesses or adult entertainment activities shall be open and available to the Village's code enforcement department, police department, and other law enforcement officials for the purpose of ensuring compliance with the operational requirements and other applicable laws.
- xi) Sexually oriented business and adult entertainment activities that offer live entertainment shall provide all of the following:
  - a. A dressing room for performers, with direct access between the dressing area and the performance area or stage so that the performer may enter and exit the performance area or stage without entering the area from which patrons will view the performance.
  - b. All locations, including the dressing rooms and ingress/egress to the dressing rooms, shall be ADA-compliant.
  - c. The dressing area for performers shall be separate and not freely accessible from areas of the business accessible to patrons.
  - d. The dressing area shall be serviced by restroom facilities, including working toilets, sinks, and hot and cold running water.
  - e. All performances shall occur on a stage elevated at least 18 inches above the immediate floor level. There shall be a minimum of 4 feet of separation from the stage and the nearest seating location.
  - f. There shall be no physical contact between any performer and any other performer, employee, owner, independent contractor, patron, or other person during or the immediate 15 minutes following a performance.

- xii) All sexually oriented businesses and adult entertainment activities shall provide the Village with current contact information, including telephone and e-mail, for the manager and owner of such establishment.
- xiii) No person shall dance, entertain, display, or otherwise engage in any exhibition of performance in such a manner as to expose to the view of any person any of the following:
  - a. Any specified anatomical areas.
  - b. Any device, costume, covering, or novelty that gives the appearance or stimulates any specified anatomical areas.
- xiv) No person shall engage in any specified sexual activities on the premises of any sexually oriented business or adult entertainment activity.
- xv) Sexually oriented business and adult entertainment activities which are classified as Massage Establishments & Health Clubs, shall also comply with the following regulations:
  - a. All tables, tubs, shower stalls, and floors, except for reception and administrative areas, shall be made of nonporous materials which may be readily disinfected.
  - b. Closed cabinets shall be provided and used for the storage of clean linens, towels, and other materials used in connection with administering massages.
  - c. Closed containers shall be provided for soiled linens, towels, and waste materials.
  - d. Separate toilets, lavatory facilities, and shower stalls shall be supplied for patrons and personnel of the establishment. Separate toilet facilities shall be provided for male and female patrons.
  - e. Each area where massage is practiced shall be equipped with an operational hand sink with hot and cold running water.
  - f. No part of the establishment shall be used for, or connected to, any bedroom or sleeping quarter.
  - g. At least one door to the establishment which connects directly to the reception area shall remain unlocked during normal business hours.
  - h. The sexual and genital areas of patrons, clients, customers, and staff of the establishment shall be covered by towels, cloths, clothing, or other opaque garments at all times when in the presence of another person.
- xvi) Any violation of the requirements contained in this section or on the terms and conditions imposed by the Village for approval shall be grounds for forfeiture of the approval granted by the Village of Lake Isabella.

2. Adult Foster Care Congregate Facility.
  - a) The Landscaping standards and requirements of Section 1290 shall be met.
  - b) Any structure with sleeping quarters shall be equipped with fire suppression sprinklers.
  - c) All driveways, parking areas, sidewalks, and loading areas shall be paved.
  - d) Dumpsters and recycling bins shall comply with Chapter 1212 of the zoning code.
  - e) Parking spaces shall be provided only in side or rear yards.
  - f) The drop-off and pick-up of residents shall be provided at the front entrance of the building with a covered canopy.
  - g) The minimum parcel size shall be 5 acres.
  - h) The Planning Commission may permit privacy fencing up to eight feet in height.
  - i) Individual dwelling units shall be at least four hundred (400) square feet and contain their own bathroom.
  - j) Based on the maximum allowed occupancy, a minimum of two hundred (200) square feet of common outdoor open space shall be provided and maintained per resident.
  - k) Based on the maximum allowed occupancy, a minimum of one hundred fifty (150) square feet of common interior area shall be provided and maintained per resident.
  - l) The facility shall not be within three hundred (300) feet of another residential structure or use.
  - m) The parcel where the use is located shall have at least one property line abutting either a Major Street or paved County Primary Road of at least 200 feet.
  - n) The rear or side yard setback from any abutting residentially zoned property shall be forty feet (40'), maintained with landscaping and screening.
3. Adult Foster Care Home.
  - a) The adult foster care home licensee, whether one (1) person or two (2), shall be a member of the household and an occupant of the residence. The licensee is not counted among the total adults permitted as part of the care facility.
  - b) The use is considered a residential use and must meet the district requirements for a Single-family dwelling.
  - c) The property must be maintained in a manner consistent with the characteristics of the neighborhood.

4. Adult Foster Care Small Group Home:
  - a) The adult foster care group homes shall be registered and licensed as required for adult foster care under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended.
  - b) The use is considered a residential use and must meet the district requirements for a Single-family dwelling.
  - c) The property must be maintained in a manner consistent with the characteristics of the neighborhood.
5. Adult Foster Care Large Group Home:
  - a) The adult foster care group homes shall be registered and licensed as required for adult foster care under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended.
  - b) Frontage on a Major Street or County Primary road is required.
  - c) The minimum parcel size shall be 2 acres.
  - d) Parking spaces shall be provided only in side or rear yards
6. Agricultural Labor Housing.
  - a) Agricultural labor housing shall be located upon the same parcel of land as the principal structure to which they are accessory.
  - b) The minimum farm size shall be at least 160 acres within the Village of Lake Isabella, where the agricultural labor housing is proposed.
  - c) The rules, regulations, and standards of the State of Michigan governing the licensing and operation of migrant housing shall apply where any dwelling is used to house one or more migrant workers. It is the purpose and intent of this provision to incorporate by reference such rules, regulations, and standards and further to apply the same to the housing of one or more such migrant workers, notwithstanding that such act provides that it applies to five or more such workers.
  - d) All construction shall conform to the Building Codes adopted by the Village and other ordinances where such regulations impose greater standards than State and Federal regulations.
  - e) Conditions may be recommended by the Planning Commission during its review to ensure a desirable living environment for migrant workers and to protect the values and desirability of adjacent properties. Such recommendations shall be forwarded to the Village Council, which may include those or other conditions in its approval.
  - f) Agricultural Labor Housing shall be located at least 100 feet from any property line and 500 feet from an adjacent residential dwelling.

7. Agricultural Supply Establishment.
  - a) No outdoor disassembly or repair of farm machinery shall be permitted
  - b) It must be located on a paved road.
  - c) If pesticides, herbicides, fungicides, or other chemicals are sold on-site, the operator of the store shall be responsible for providing information to the Fire Department on the type, location, and quantities of materials kept on-site.
  - d) Parking areas are not required to be paved, but ingress/egress drives must be paved.
8. Aircraft Hangar, Commercial.
  - a) The allowed width-to-length ratio shall be equal to, or less than, a ratio of 1:2.5.
  - b) A hard-surfaced floor that meets the minimum thickness requirements of the building code of concrete or asphalt is required.
  - c) When placed on a parcel with a single-family dwelling within 100 feet, when measured as structure (hangar) to structure (dwelling), screening shall be provided and maintained in the form of trees of at least four feet in height at the time of planting at a ratio of 1 tree for every 8 feet and fraction thereof of wall facing the single-family dwelling.
  - d) The Planning Commission shall regulate the hours of operation for any commercial activity.
  - e) The Planning Commission shall determine on-site parking requirements for commercial activity.
  - f) The Planning Commission shall regulate commercial fueling activity during the Site Plan Review.
9. Aircraft Hangar, Private.
  - a) The allowed width-to-length ratio shall be equal to, or less than, a ratio of 1:2.
  - b) When placed on a parcel with a single-family dwelling within 100 feet, when measured as structure (hangar) to structure (dwelling), screening shall be provided and maintained in the form of trees of at least four feet in height at the time of planting at a ratio of 1 tree for every 8 feet and fraction thereof of wall facing the single-family dwelling.
  - c) Any proposed Private Airplane Hangar with a footprint equal to, or greater than, 3,750 square feet shall be considered a Special Land Use. Any such Private Aircraft Hangar may not share a property line with a parcel having a detached single-family dwelling as the primary structure at the time of the Special Land Use application.
10. Airport.
  - a) The minimum parcel size shall be 15 acres.

- b) No airport activity shall occur within 100 feet of a property line.
- c) No airport activity, including the placement of runways, shall occur within 200 feet of an existing single-family dwelling.

11. Airport-related Uses.

- a) The minimum parcel size shall be 1 acre.
- b) Uses shall not concentrate people in a manner that contradicts the adopted Airport Approach Plan created by MDOT.
- c) Must be located, structure to structure, at least 200 feet from any single-family dwelling.
- d) The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, or odors.
- e) The traffic characteristics of the proposed development that can be expected do not place an extreme or undue burden on the adjacent available vehicular or pedestrian circulation facilities.

12. Amusement Parks & Fairgrounds.

- a) Proper arrangements shall be made and the required approvals obtained from the Central Michigan District Health Department to provide necessary on-site sanitation facilities. All required county and state permits must be submitted to the Planning Commission before it reviews the application.
- b) All uses and activities shall have prior written approval from the Village Council. Any other requirements in this code of ordinances associated with a contemplated use or activity shall be adhered to if the use or activity is approved.
- c) The minimum parcel size shall be 20 acres.
- d) Shall not be located within 500 feet when measured from the property line of the parcel to any single-family dwelling.
- e) The Planning Commission shall determine on-site parking requirements.
- f) The ending daily hours of operation shall be limited to 10 PM Sunday through Thursday and 11 PM Friday and Saturday.
- g) Use of display fireworks shall occur only after obtaining a permit from the Village Council.

13. Apartments & Apartments Buildings.

- a) The residential space shall have safe, convenient access independent of any other use(s) located on the parcel.



- b) Each unit shall be provided at least one off-street parking space unless waived by the Planning Commission. A minimum of 1 hard-surfaced parking space is required per bedroom.
- c) Parking areas shall be screened to prevent direct light from vehicle headlights from shining into residential structures.
- d) In the Coldwater Business District, Apartments shall be considered a permitted use when located on the second floor and above a commercial or office use; such apartments shall meet the minimum design requirements for apartments in the LR-5 District.
- e) Apartments shall have a minimum dwelling area, minimum total floor area, and minimum room sizes that meet the requirements of Section 1238.05(11).
- f) Parking lots and dumpsters shall be screened and setback from a residential parcel by at least one hundred feet (100').
- g) All driveways, sidewalks, roads, access easements, parking areas, and similar areas for pedestrians or vehicles shall be paved within one year of the date of approval unless otherwise delayed or waived by the Planning Commission.
- h) A dwelling unit must provide an accessible route through the hallways and passageways of the first floor of the dwelling unit. The route must provide a minimum width of 36 inches and be level with ramped or beveled changes at door thresholds.
- i) For every residential unit, a minimum of sixty-five square feet (65<sup>2'</sup>) of rear or side yard open space shall be provided on the same parcel as the dwelling unit. This area must be substantially covered with grass, shrubs, plants, trees, or usable outdoor open space features such as patios and walkways. The area of the parcel used to satisfy the rear yard open space requirement shall not contain any accessory structures, drives, or parking lots.
- j) Additional landscaping and/or privacy fencing may be added by the Planning Commission during Site Plan review if it finds that such is needed to properly screen multi-unit residential structures from adjacent parcels.
- k) For developments that have multiple buildings, each building shall be separated by at least twenty feet (40').
- l) New multiple-unit structures shall be of the same architectural style as the existing character of the development near the location but shall not be repetitive in nature. Such structures shall stagger and alternate features and locations of windows, doors, porches, garages, roof lines, and the like. This shall also apply to multiple structures in the same larger development.

#### 14. Asphalt/Concrete Plant.

- a) In order to reduce the effects of dust, noise, and equipment, no operation or storage shall occur within 500 feet of a road or property line and 1,000 feet of any existing single-family dwelling.
- b) It shall only be located on a paved road.
- c) All driveways, loading areas, staging areas, and truck access areas shall be paved.
- d) An on-site stacking area of at least four single spaces deep based upon the anticipated largest truck shall be provided for trucks waiting to be loaded.
- e) Plant areas, including parking, shall be fully screened by privacy fencing or earthen berms.
- f) All trucks using the site, and equipment used at the site, shall be fitted with an automatic backup alarm that automatically adjusts so that the alarm is just slightly above the ambient noise level.
- g) A proposed emergency management plan shall be supplied as part of the Site Plan. This plan shall address a plan to contain fixants and chemical spills as well as fires.
- h) The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or general welfare by reason of smoke, fumes, glare, noise, vibration, or odors that leave the site.

#### 15. Auction Facilities.

- a) All uses shall be established and maintained in accordance with all applicable laws and ordinances.
- b) The site shall be a minimum of five acres.
- c) A solid fence or wall eight feet in height shall be provided and maintained around the periphery of the site to screen said site from the surrounding property.
- d) All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
- e) All enclosed and fenced areas shall be set back at least 100 feet from any residential district.

#### 16. Bars & Taverns.

- a) Bars & Taverns shall not be located within 300 feet (property line to property line) of any of the following:
  - i) Another Bar or Tavern

- ii) Any Licensed Child Care Center or Group Day Care.
- b) Bars & Taverns shall not be located within 500 feet (Structure to Structure) of any of the following:
  - i) A House of Worship
  - ii) Any existing single-family dwelling.
- c) It must be located on a paved road.
- d) Outdoor seating areas shall be located apart from the main entry for the establishment.

17. Bed & Breakfast.

- a) A Bed & Breakfast may be permitted only in a single-family detached dwelling that is the principal dwelling unit on the property. The dwelling unit containing the Bed & Breakfast shall be the operator's principal residence. The operator shall live in the principal dwelling unit when the Bed & Breakfast operation is active.
- b) No more than sixty-six percent (66%) of the floor area of the dwelling shall be devoted to the Bed & Breakfast.
- c) No more than sixteen (16) beds shall be available for guests.
- d) Any room utilized for guest sleeping shall have a minimum floor area of one hundred (100) square feet for a maximum occupancy of two people and an additional 70 square feet for each additional person in the maximum occupancy.
- e) Separate cooking facilities shall not be provided for guests.
- f) The use shall not have an adverse impact on the surrounding neighborhood with regard to noise and traffic generation, the appearance of excessive numbers of parked vehicles, methods of garbage storage and disposal, and physical alterations to the structure that might change the single-family residential character and appearance of the premises.
- g) No person shall change or alter the lot or the structure so that they differ from the site plan or floor plan initially by the Planning Commission unless the change or alteration has first been submitted to and approved by the Planning Commission or Zoning Administrator.
- h) Outdoor areas used in association with the Bed & Breakfast, such as parking spaces, gardens, dining areas, and other such areas, shall be setback from an adjacent single-family dwelling by at least 100 feet.

18. Big Box Retailer.

- a) The minimum front yard setback shall be sixty (60) feet.
- b) The minimum parcel size shall be five (5) acres.

- c) A sidewalk of no less than ten (10) feet in width shall run unobstructed along the façade of the building on any side which has a customer entry point.
- d) No row of parking spaces shall exceed twenty-five (25) spaces.
- e) Cart corrals shall be designed to be an integral part of the parking area.
- f) Loading areas shall not be visible from a right-of-way or any abutting residentially zoned properties.
- g) Outdoor display and sales areas shall be shown on the Site Plan.

19. Boat Launch.

- a) Areas shall be designated for the temporary parking of vehicles and watercraft during the launching or pulling of watercraft.
- b) Launches shall be physically secured by a gate or chain to prevent unauthorized watercraft launching.
- c) The overnight storage of watercraft trailers on the parcel shall not be permitted unless such has been approved as a Special Land Use by the Planning Commission

20. Borrow Pit.

- a) It shall be the responsibility of the landowner or permit holder to use ecological conservation practices for all areas used for said sand and gravel excavation.
- b) No business or industrial buildings or structures of a permanent nature shall be erected, except when such building is a permitted use within the district in which the borrow pit is located.
- c) The Planning Commission may require that part or all of the operation be screened.
- d) No excavation shall come within 150 feet of a residence or 100 feet of a property line or a road right-of-way. The Planning Commission may allow excavation activities within this minimum setback area during the reclamation process, provided no excavation is allowed within 50 feet of any property line and no activity is allowed within 25 feet of any property line.
- e) All truck operations shall be directed away from residential streets.
- f) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- g) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any

excess dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

- h) Reclamation and rehabilitation of mined areas shall be accomplished progressively as the area is mined. Substantial completion of reclamation and rehabilitation shall be affected within one year after the termination of mining or excavation activity in each area. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
- i) The banks of all excavations shall be sloped to the waterline in a water-producing excavation and to the pit floor in a dry operation at a slope that shall not be steeper than 1 foot vertical to four feet horizontal.
- j) Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements are to be completed within a one-year period. Top soil shall be applied and compacted to a minimum depth of four inches sufficient to support vegetation.
- k) Vegetation similar to that which existed prior to the excavation process shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
- l) Upon cessation of mining operations by abandonment or otherwise, the operation company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located may be retained.
- m) No mineral extraction activity shall be allowed or commenced until a plan has been submitted and approved by the Planning Commission disclosing compliance with all of the provisions of the code of ordinances or the manner in which compliance will be secured by the applicant. Such plans include, among other things, the following:
  - i) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto, abutting public streets, additional roads if any, to be constructed, and the location and nature of abutting improvements on adjoining property.

- ii) The number of acres and the location of the same proposed to be operated upon within the following 12 months period after the commencement of operations and the planned stages of reclamation.
- iii) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
- iv) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
- v) A reclamation map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads, and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.
- n) All permit applications for excavation must be co-signed by both the landowner and the operator if different.

#### 21. Brewery.

- a) Up to 50% of the floor area may be allowed as a restaurant, tasting room, or retail operation (or any combination thereof).
- b) Brewery operations shall be limited to 7 AM to 7 PM Monday through Saturday, and restaurant, tasting room, retail operation, and entertainment activity (or any combination thereof) shall be limited to 9 AM to 11 PM Sunday through Thursday and 10 AM to 2 AM on Friday and Saturday.
- c) Loading and unloading areas shall not be visible from the street where ingress/egress is permitted.
- d) Waste material from the brewing operation shall not be stored or kept outside.
- e) Shall not be located within 500 feet (Structure to Structure) of any of the following:
  - i) Any Licensed Child Care Center or Group Day Care.
  - ii) Any existing single-family dwelling.
  - iii) A Bar or Tavern.
  - iv) Any public or private school.

#### 22. Brewpub.

- a) Shall not be located within 500 feet (Structure to Structure) of any of the following:
  - i) Any Licensed Child Care Center or Group Day Care.
  - ii) Any existing single-family dwelling.

- iii) A Bar or Tavern
  - b) Must be located on a paved road.
  - c) The eating, drinking, and entertainment area shall be at least thirty (30) percent of the total square footage for the unit or structure, or at least one thousand five hundred (1,500) square feet, whichever is less.
  - d) Maximum size for the brewery and the eating, drinking, and entertainment areas shall be ten thousand (10,000) square feet.
  - e) Annual on-site production shall be limited to not more than:
    - i) 15,000 barrels of beer.
    - ii) 10,000 gallons of craft distilleries.
  - f) Brewery operations shall be limited to 7 AM to 7 PM Monday through Saturday, and restaurant, tasting room, retail operation, and entertainment activity (or any combination thereof) shall be limited to 9 AM to 11 PM Sunday through Thursday and 10 AM to 2 AM on Friday and Saturday.
23. Bulk Fuel Storage Center.
- a) All facilities shall be setback at least 200 feet from all property lines and 500 feet from any residential district.
  - b) The maximum lot size shall be 10 acres.
  - c) Prior to approving a Site Plan, the Planning Commission shall submit the application to the local fire department and request their review and comment on the site.
  - d) As part of the application, an Emergency Response and Spill Containment Plan shall be included, applicable to the site.
  - e) Underground tanks shall not be permitted for bulk storage.
  - f) Above ground, tanks are required to be at an elevation of at least 2 feet above flood elevation for the site.
  - g) The perimeter of the fuel storage area shall be fenced to prevent access by other than those associated with the facility.
  - h) The area where bulk storage occurs shall be capable of keeping the fuel on-site in the event of a leak or structure collapse through the provision of a dike or other containment structure adequately sized to retain the fuel.
  - i) The proposed uses, activities, processes, materials, equipment, and operating conditions will not be detrimental to any persons, property, or general welfare by reason of smoke, fumes, glare, noise, vibration, or odors that leave the site.

24. Bus Depot.

- a) Areas for the overnight storage and parking of buses shall be screened by appropriate fencing.
- b) Maintenance facilities shall comply with the requirements for Motor Vehicle Repair facilities.
- c) Fuel storage tanks shall be located below ground.

25. Business Office.

- a) In the NMU District, parking spaces shall be provided only in side or rear yards.
- b) Parking areas shall incorporate screening/landscaping to prevent headlights from shining into adjacent residential properties.
- c) The placement of native trees for landscaping purposes is required at a ratio of one tree for every 500 square feet of impervious surface on-site.

26. Campground.

- a) Must obtain and keep current and valid all state and county permits and licenses.
- b) There shall be one camping unit per site and a limit of one family or four unrelated persons per site.
- c) Each campground must have central sanitary disposal facilities for the disposal of all sewage generated on the campground in conformance with the State of Michigan and/or Central Michigan District Health Department regulations or requirements.
- d) Proper waste and trash storage and services shall be provided; on-site dumpsters shall be screened.
- e) Each site shall be a minimum of 1,200 square feet with a minimum road frontage of thirty feet with or access to a public road or highway to allow access by emergency vehicles and equipment.
- f) There shall be no permanent residents located in any campground. A person(s) shall be deemed a permanent resident if he or she occupies a recreational unit, travel trailer, camping trailer, motor home, travel camper, or tent for more than 200 days per calendar year.
- g) Boundaries, as defined in the campground Site Plan, shall be conspicuously and permanently marked with no trespassing signs, and fencing or shrubbery shall restrict and permanently marked with no trespassing signs, and fencing or shrubbery shall restrict camper movement off of the camping property. Any areas defined as wetlands shall be adequately fenced, buffered, or otherwise restricted to human use, protecting such wetlands and refuge areas from human encroachment.



- h) There shall be resident supervision whenever the campground is occupied.
  - i) All activities directly relating to recreational or camping use may be permitted. The sale of food, merchandise and/or products directly related to the needs of campground occupants only may also be permitted. Rental of sporting and/or camping equipment may also be permitted. No sale of alcohol will be permitted, and the use of ORVs shall be limited to the staff of the campground as needed for maintenance purposes.
  - j) The minimum parcel size shall be twenty (20) acres.
  - k) A mud-free, dust-free access road shall be designed for safe and convenient access to camping spaces and facilities for common use by the occupants. Direct access to individual camping spaces from public streets shall not be permitted.
27. Carriage House. Carriage Houses shall meet the minimum required dwelling area, minimum attached garage square footage, and design requirements applicable to single-family dwellings in the zoning district that it is located in. When developed outside of a residential zoning district, a Carriage House shall meet the minimum required dwelling area, minimum attached garage square footage, and design requirements applicable to single-family dwellings in the LR-1 zoning district.
28. Carwash.
- a) In addition to other parking and loading requirements, all wash bays shall have hard-surfaced vehicle queuing lanes, at least the width of the bay openings, as follows:
    - i) Automated Wash Bays: Eighty (80) feet at bay entrances, at least forty (40) feet which must be provided in straight alignment extending perpendicular from the entrance, and twenty (20) feet at exits.
    - ii) Self-service Bays: Thirty (30) feet extending perpendicular from the entrance and exit to the bay.
  - b) Vacuum cleaning facilities shall not be located within three hundred (300) feet of a residential district.
29. Child Care Center.
- a) A minimum of thirty-five square feet (35') of habitable indoor play area shall be provided for each child. This area shall be exclusive of hallways, bathrooms, office areas, kitchens, storage areas and closets, and areas used exclusively for rest or sleep.
  - b) A minimum of one hundred twenty-five (125) square feet of fenced outdoor play area shall be provided for each child. The fence shall be a minimum height of four feet (4') above grade.

- c) All outdoor play equipment shall be located at least twenty feet (20') from any residential dwelling(s) on abutting properties.
  - d) Applications for approval of any day care or child care facility shall include a site plan drawn to scale of both the floor plan of the structure and the parcel showing all current and proposed fences, play equipment, and parking spaces.
  - e) Minimum parcel size shall be ½ acre.
  - f) A Child Care Center shall not be located within 300 feet, measured parcel line to parcel line to any of the following:
    - i) A foster family group home.
    - ii) A State licensed residential facility for adult foster care or for care and treatment of persons released from or assigned to adult correctional institutions.
    - iii) A facility offering substance abuse treatment and rehabilitation services to seven or more people as licensed by the State of Michigan.
  - g) If located in a single-family residential zoning district, the Planning Commission may place restrictions on the hours of operation.
30. Commercial Agricultural Enterprise.
- a) Feedlots and commercial livestock operations shall not be located within a subdivision, proprietor, or assessor's plat or in a floodplain or regulated wetlands.
  - b) The minimum size shall be ten (10) acres, except that feedlots and commercial operations for livestock and fowl shall have at least eighty (80) acres.
  - c) Farms shall not be used for the disposal of garbage, rubbish, offal from rendering plants, or for the slaughtering of animals except where the animals have been raised on the premises for consumption by residents on the premises.
  - d) Farm buildings used to house large animals, feedlots, and livestock confinement areas shall be located at least one hundred (100) feet from residentially used or zoned property and all road right-of-ways.
  - e) Runoff from pasture feeding and watering areas shall be separated from any surface water by a vegetative buffer that is at least sixty-six (66) feet in width.
  - f) Pesticides shall be located in a lockable building or storage facility, which shall be ventilated to dissipate dust and fumes. New pesticide storage facilities shall have a concrete floor that is sloped to a sump for the containment of spills. To prevent potential contamination of the groundwater, the storage facility shall not have a floor drain. New bulk pesticide storage areas shall be located a minimum of 150 feet from any single-family residential water well and a minimum of 200 feet from surface water.

- g) Manure shall be stored in a manner that minimizes odors and runoff. Consideration should be given to the partial paving of confinement areas, storage ponds, and other accepted agricultural practices regarding runoff control. All manure shall be stored at least 100 feet from any property line.
  - h) These provisions shall not apply to garden plots for single-family residences or to a collection of farm buildings that are operated for educational, demonstration, or recreational purposes.
  - i) The Planning Commission shall determine on-site parking requirements.
  - j) Any outside raw agricultural products processed and/or stored at such facility shall be locally/regionally grown and obtained from Michigan suppliers within a radius of no more than one hundred (100) miles from the facility.
  - k) Such uses as developed under this section may also have on-site in an accessory manner playgrounds, petting farms, animal displays, wagon rides, hayrides, nature trails, open-air picnic areas, restrooms, kitchen facilities, and gift shops.
  - l) Livestock and/or horses shall be limited to one animal per full two (2) acres of parcel size. All grazing areas for such animals shall be fenced.
  - m) Commonly developed businesses under this use include, but are not limited to, the following:
    - i) Cider Mills
    - ii) Seasonal outdoor mazes of agricultural origin such as straw or corn.
    - iii) U-pick operations.
    - iv) Value-added agricultural operations. At least 50% of the products must be grown on-site.
31. Commercial Excavator.
- a) All heavy equipment used in the operation shall enter and exit the property in driveways located no less than 200 feet from an adjacent residence.
  - b) All storage of equipment and materials must be inside a building or in the rear yard and behind the building in an area with a privacy fence of at least 6 feet in height.
  - c) Screening or fencing shall be provided from adjacent residences.
  - d) The minimum parcel size shall be 3 acres with a maximum parcel size of 6 acres.
32. Community Care Retirement Facility:
- a) The facility shall be established and maintained with all applicable local, State, and Federal licensing requirements.
  - b) The Landscaping standards and requirements of Section 1290 shall be met.

- c) Any structure with sleeping quarters shall be equipped with fire suppression sprinklers.
  - d) All driveways, parking areas, sidewalks, and loading areas shall be paved.
  - e) Dumpsters and recycling bins shall comply with Chapter 1212 of the codified ordinances of the Village of Lake Isabella.
  - f) Parking spaces shall be provided only in side or rear yards.
  - g) The drop-off and pick-up of residents shall be provided at the front entrance of the building with a covered canopy.
  - h) The minimum parcel size shall be 5 acres.
  - i) The Planning Commission may permit privacy fencing up to eight feet in height.
  - j) Individual dwelling units shall be at least four hundred (400) square feet and contain their own bathroom.
  - k) Dwelling units shall be capped at fifteen (15) units per acre.
  - l) Based on the maximum allowed occupancy, a minimum of two hundred (200) square feet of common outdoor area open space shall be provided and maintained per resident.
  - m) A minimum of two hundred (200) square feet of common interior area shall be provided and maintained per dwelling unit.
  - n) The facility shall not be within three hundred (300) feet of another residential structure or use.
  - o) The parcel where the use is located shall have at least one property line abutting either a Major Street or paved County Primary Road of at least two hundred (200) feet.
  - p) The rear or side yard setback from any abutting residentially zoned property shall be forty feet (40'), which shall be maintained with landscaping and screening.
33. Conservation Area.
- a) Trails and pathways shall not be located within fifty (50) feet of a wetland.
  - b) Landscaping shall be done with at least 75% of plant species native to Michigan.
  - c) The minimum parcel size shall be three (3) acres.
  - d) The minimum parcel width shall be one hundred (100) feet.
34. Consignment Store.
- a) It may operate for up to 12 hours per day. The hours of operation must be specified in the special land use permit and approved by the Planning Commission.

- b) Collection sites must be screened and no accumulation of collections or outside storage shall be permitted, provided that a totally enclosed donation container shall be permitted to be on the site. Collections may be obtained only during the hours approved by the planning commission.
- c) Collection and distribution areas and donation containers must not be located within 35 feet of any lot line. The drop-off box's base must not exceed 20 square feet and four feet in height, must have solid screening around it, and must be placed in a location that is approved by the planning commission.
- d) A parking plan must be approved for this use, and the parking needs for the use must not exceed the number of available parking spaces in the dedicated parking lots for the facility when taking into account the other users of the property. No overnight truck parking shall be permitted in any front yard.

35. Convenience Store.

- a) When located in the NMU District, hours of operation shall be between the hours of 7 AM to 10 PM.
- b) No vehicle shall be parked on-site for the purpose of selling or renting such vehicle.

36. Crematories.

- a) Required front and street yards shall be landscaped to a depth of not less than 10 feet. The remaining front and street-side yard areas or setbacks may be used for required off-street parking. Such landscaping shall consist predominantly of plant materials, except for necessary walks and drives.
- b) All structures on-site shall maintain a distance, measured structure from structure, of five hundred (500) feet to any single-family dwelling, House of Worship, Licensed Child Care Center, or public park.
- c) On-site parking areas, loading, shipping, and ingress/egress drives shall be paved.
- d) The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or the general welfare by reason of smoke, fumes, glare, noise, vibration, or odors that leave the site.
- e) Bodies to be cremated shall not be stored or kept on the premises for a period exceeding seven (7) calendar days.
- f) Any building used as a crematory shall provide an auxiliary means of electrical service in the event of a power failure
- g) No funeral services or other similar ceremonies shall be held on the premises.

37. Day Care Home, Family.

- a) A minimum of thirty-five square feet (35') of habitable indoor play area shall be provided for each child. This area shall be exclusive of hallways, bathrooms, office areas, kitchens, storage areas and closets, and areas used exclusively for rest or sleep.
- b) A minimum of one hundred twenty-five (125) square feet of fenced outdoor play area shall be provided for each child. The fence shall be a minimum height of three feet (3') above grade.
- c) All outdoor play equipment shall be located at least twenty feet (20') from any residential dwelling(s) on abutting properties.
- d) Applications for approval of any day care or child care facility shall include a site plan drawn to scale of both the floor plan of the structure and the parcel showing all current and proposed fences, play equipment, and parking spaces.
- e) A Family Day Care Home shall not be located within three hundred (300) feet, measured parcel line to parcel line to any of the following:
  - i) A State licensed residential facility for adult foster care or the care and treatment of persons released from or assigned to adult correctional institutions.
  - ii) A facility offering substance abuse treatment and rehabilitation services to seven or more people as licensed by the State of Michigan.
- f) A facility offering substance abuse treatment and rehabilitation services to seven or more people as licensed by the State of Michigan.
- g) Hours of operation shall be limited to 7 AM until 8 PM. If an applicant wishes to seek operating hours outside of this time frame, the matter shall be considered a Special Land Use. The Planning Commission shall consider the request only after holding a public hearing.

38. Day Care Home, Group.

- a) A minimum of thirty-five square feet (35') of habitable indoor play area shall be provided for each child or adult patron. This area shall be exclusive of hallways, bathrooms, office areas, kitchens, storage areas and closets, and areas used exclusively for rest or sleep.
- b) A minimum of one hundred twenty-five (125) square feet of fenced outdoor play area shall be provided for each child or adult patron. The fence shall be a minimum height of four feet (4') above grade.
- c) All outdoor play equipment shall be located at least twenty feet (20') from any residential dwelling(s) on abutting properties.

- d) Applications for approval of any group day care shall include a site plan drawn to scale of both the floor plan of the structure and the parcel showing all current and proposed fences, play equipment, and parking spaces.
  - e) A Group Day Care Home shall not be located within three hundred (300) feet, measured parcel line to parcel line to any of the following:
    - i) A State licensed residential facility for adult foster care or the care and treatment of persons released from or assigned to adult correctional institutions.
    - ii) A facility offering substance abuse treatment and rehabilitation services to seven or more people as licensed by the State of Michigan.
  - f) Hours of operation shall be limited to 7 AM until 8 PM. If an applicant wishes to seek operating hours outside of this time frame, the matter shall be considered a Special Land Use. The Planning Commission shall consider the request only after holding a public hearing.
  - g) An Adult Day Care Home shall be registered and licensed as required for group day care homes under the Child Care Organizations, Public Act 116 of 1973, as amended.
39. Dry Cleaning Plant.
- a) Required front and street yards shall be landscaped to a depth of not less than 10 feet. The remaining front and street-side yard areas or setbacks may be used for off-street parking. Such landscaping shall consist predominantly of plant materials, except for necessary walks and drives.
  - b) All structures on-site shall maintain a distance, measured structure from structure, of eight hundred (800) feet to any single-family dwelling, House of Worship, Licensed Child Care Center, or public park.
  - c) On-site parking areas, loading, shipping, and ingress/egress drives shall be paved.
  - d) The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or the general welfare by reason of smoke, fumes, glare, noise, vibration, or odors that leave the site.
40. Duplex.
- a) The minimum parcel size shall be ½ acre per Duplex.
  - b) The minimum parcel width of one hundred fifty (150) feet.
  - c) All driveways, sidewalks, roads, access easements, parking areas, and similar areas for pedestrians or vehicles shall be paved within one year of the date of approval unless otherwise delayed or waived by the Planning Commission.

- d) A dwelling unit must provide an accessible route through the hallways and passageways of the first floor of the dwelling unit. The route must provide a minimum width of 36 inches and be level with ramped or beveled changes at door thresholds.
- e) The Planning Commission may add additional landscaping and/or privacy fencing during Site Plan review if it finds that such is needed to properly screen multi-unit residential structures from adjacent parcels.
- f) New multiple-unit structures shall be of the same architectural style as the existing character of the development near the location but shall not be repetitive in nature. Such structures shall stagger and alternate features and locations of windows, doors, porches, garages, rooflines, and the like. This shall also apply to multiple structures in the same larger development.
- g) For developments with multiple buildings, each building shall be separated by at least twenty feet (20').

#### 41. Economy Dwelling.

- a) Dimensional Requirements:

	Min.	Max.
Dwelling Area	400	800
Structure Height (stories/feet)	1 / 12'	1.5 / 20'
Distance Between Structures	10'	NA
Setbacks	District Setbacks	

- b) An Economy Dwelling shall be built on a permanent, approved foundation. Movable structures, or those with wheels, are prohibited.
- c) Economy Dwellings shall be made of high-quality, natural materials or engineered equivalent and designed to fit within the existing neighborhood context of the Village of Lake Isabella. Encouraged design elements include pitched roofs with overhangs, aligned patterns of windows and doors, and defined front entrances.
- d) Economy Dwellings shall be clustered together on a single parcel, subject to the following requirements:
  - i) A minimum of four Economy Dwellings may be arranged on a parcel of at least three acres. For each additional ½ acre, an additional two Economy Dwellings may be developed.
  - ii) Buildings shall be arranged and clustered to maximize opportunities for shared circulation, parking, loading, pedestrian walks, and access to open



space. The overall design of the cluster should be oriented toward the primary street.

- iii) The minimum distance between buildings shall be ten (10) feet.
- iv) Economy dwellings shall be setback from adjacent single-family residential dwellings by at least 200 feet. Additional screening may be required by the Planning Commission to screen views from adjacent residential zoning districts.

42. Farm.

- a) All practices shall conform to Generally Accepted Agricultural Practices and shall be located at least two hundred (200) feet from any adjacent residential use.
- b) The on-site sale of farm products grown or produced on-site is allowed as an accessory use provided such sales area is no greater than four hundred (400) feet square feet.
- c) The property shall be maintained so as to prevent the free flow of stormwater, irrigation water, chemicals, dirt, or mud across or onto adjacent lots or streets.

43. Farm & Heavy Equipment Sales & Service.

- a) All service and/or repair activities shall be conducted within a completely-enclosed building.
- b) Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly towards any adjoining residentially zoned property.
- c) No principal or accessory building shall be closer than sixty (60) feet from any residential district or within two hundred (200) feet of any existing residential dwelling.
- d) Fences and screening in accordance may be required by the Planning Commission to protect adjacent property.
- e) All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
- f) The overnight storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited unless screened and approved by the Planning Commission.

44. Filling Station.

- a) The sale of fuel shall be as an accessory use to another use occurring on the parcel.
- b) Above-ground tanks shall have an Underwriters Listed (UL) outdoor-use designation.

- c) A secondary containment area is required and shall be able to hold the contents of the primary tank should it fail. Double-walled satisfy the secondary containment requirement and is preferred over dikes or tubs.
- d) Above-ground tanks are required to be protected by bollards of at least 48 inches above grade.
- e) Above-ground tanks are required to be located over a hard-surface.
- f) All above or below-ground tanks shall comply with applicable state and federal requirements.

45. Financial Institutions.

- a) Only one (1) ingress/egress driveway shall be permitted along any street.
- b) Exit and stacking lanes shall not face directly at a single-family dwelling on an adjacent parcel unless such is landscaped to prevent headlight glare.
- c) Ingress/egress to the facility shall be at least one hundred (100) feet from the centerline of any intersection.
- d) Outdoor speakers for drive-thru facilities shall be located in a way that minimizes sound from leaving the site.

46. Fish Hatchery.

- a) Ponds shall only be of an excavation type.
- b) No commercial retail or recreation activities, including public fishing, shall be allowed. Educational activities are allowed during hours approved by the Planning Commission.
- c) The pond shall be a minimum distance of fifty (50) feet from the property line of abutting lands.
- d) Any artisan well or other water overflow from a pond that could affect adjacent property shall be provided with adequate drainage.
- e) Ponds shall be a minimum of ten (10) feet deep over twenty-five (25%) percent of the pond's surface area.
- f) Ponds shall be located a minimum of one hundred (100) feet from any septic tank or field.
- g) Contaminated surface water shall be diverted around all ponds.
- h) Ponds shall be constructed in such a manner that runoff, overflow, spillage or seepage shall not encroach upon adjacent properties owned by another person.
- i) Ponds shall have warning signs and lifesaving equipment, as required by the State of Michigan.

47. Flea Market.

- a) Proper arrangements shall be made and the required approvals obtained from the Central Michigan District Health Department to provide necessary sanitation facilities.
- b) All uses and activities shall have prior written approval from the Planning Commission. Any other requirements in this code of ordinances associated with a contemplated use or activity shall be adhered to if the use or activity is approved.

48. Food Processing Plant.

- a) The minimum lot size shall be three (3) acres
- b) No such use shall be located within 100 feet of any property line or within 1,000 feet of any residential use or district.
- c) The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or the general welfare by reason of smoke, fumes, glare, noise, vibration, or odors that leave the site.

49. Funeral Parlor & Mortuaries.

- a) The minimum parcel size shall be 1 acre.
- b) An assembly area shall be provided, which can accommodate 30 vehicles.
- c) Service, loading, and parking areas shall be screened from adjacent residentially zoned properties.
- d) It must be located on a paved road.
- e) On-site parking areas, sidewalks, and drives shall be paved.
- f) Vehicular entrance to the site shall be at least five hundred (500) feet away from the intersection of Baseline Road and Coldwater Road.

50. Gas Station.

- a) The following table shall apply to canopies and pump facilities:

Setback	Canopy Support	Pump Island	Canopy Edge
Front	35 feet	30 feet	25 feet
Side	20 feet	20 feet	10 feet
Rear	30 feet	20 feet	20 Feet

- b) Canopy structures shall be designed and constructed in a manner that is architecturally compatible with the primary structure. The Canopy structure shall be attached to, and made an integral part of the primary structure unless it can be demonstrated that the design of the structure and canopy in combination

would be more functional and aesthetically pleasing if the canopy was not physically attached to the principal building.

- c) Canopy lighting shall be recessed so that the light source is not visible from off-site.
- d) Corner sites shall be limited to one (1) drive/curb-cut on each adjacent road, and shall be located as distant from the corner of the roads as practical.
- e) Underground storage tanks shall be shown on the Site Plan, as well as drawings showing the secondary containment and leak detection system.
- f) The Site Plan shall show and demonstrate adequate on-site spacing for the filling of underground storage tanks.

#### 51. Golf Courses.

- a) All uses, operations, and structures permitted herein, including fences fronting any public road or thoroughfare used for access or exit purposes, shall be landscaped in accordance with plans approved by the Planning Commission.
- b) If a country club or golf course is located in a residential district, the Planning Commission may allow the use of a dumpster if all other ordinance requirements pertaining to dumpsters is met and it would otherwise not be visible to any surrounding single-family dwellings.
- c) A minimum front yard of 100 feet shall separate all uses, operations and structures permitted herein, including fences, fronting any public street or highway used for access or exit purposes and shall be landscaped in accordance with plans approved by the Planning Commission.
- d) Golf driving ranges shall provide safety screening and orientation as deemed reasonable and necessary by the Planning Commission.
- e) No principal or accessory building shall be closer than fifty (50) feet from any abutting residential district or within 200 feet of any existing residential dwelling.

#### 52. Grain Elevator.

- a) The minimum parcel size shall be 10 acres.
- b) The minimum parcel width shall be 500 feet.
- c) Shall be setback, structure to structure, from any existing single-family dwelling by at least 500 feet.
- d) It shall be located on a paved road.
- e) No outdoor disassembly or repair of farm machinery shall be permitted.

#### 53. Greenhouse, Commercial.

- a) All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially used or zoned property.

- b) Commercial greenhouses must use frosted glass, polycarbonates or other similar building materials. Plastic sheeting and similar materials will not be accepted.
- c) Fertilizer, waste, and other odorous materials must be properly stored in sealed rodent, pest and child-proof containers. Odors must not permeate beyond the property line.

54. Health Professional Offices.

- a) All suites or rental units of the site must be used by licensed medical personnel or by another permitted use.
- b) In the NMU District, parking spaces shall be provided only in side or rear yards.
- c) Parking areas shall incorporate screening/landscaping to prevent headlights from shining into adjacent residential properties.
- d) The placement of native trees for landscaping purposes is required at a ratio of one tree for every 500 square feet of impervious surface on-site.

55. Hospice Home. A Hospice Home shall meet the zoning requirements for an Adult Foster Care Large Group Home.

56. Hotel/Motel.

- a) Any exterior play area or swimming pool shall be fenced and used only for persons staying at the hotel/motel.
- b) Each unit shall contain at least a bedroom and bathroom.
- c) Each unit shall contain at least 250 square feet

57. Houses of Worship.

- a) One independent off-street parking space shall be required for every 2.5 seats based on the maximum seating capacity of the main place of assembly.
- b) Must be located on a paved road.
- c) Structures and facilities shall be set back from any residentially zoned property by 50 feet and any single-family dwelling by 100 feet.
- d) Facilities incidental to the main religious sanctuary must be used for church, worship, or religious education purposes, in a manner that is consistent with residential zoning and compatible with adjacent residential property. Associated uses on the site, such as recreation centers, retreat facilities, conference centers, school convents, and others, shall meet all requirements of this Ordinance for such accessory uses.

58. Hunting & Gun Club.

- a) An applicant is encouraged to provide a recommendation for reasonable hours of operation for use of the facility outside of game hunting activity. However, the hours of operation shall be determined by the Planning Commission. In no event,

shall exterior lighting be provided on the range area that encourages shooting activities after dusk.

- b) A minimum of forty-eight(48)square feet shall be provided for each shooting station with a dimension of eight feet wide by six (8x6)feet deep.
- c) Target areas and shooting line areas shall be identified on a site plan for target archery.
- d) Spectator areas shall be separated from the range to prevent anyone from entering the down-range area and shall be placed behind the shooting line.
- e) Restrooms shall be provided within enclosed buildings.
- f) Berms shall be placed downrange from the target area along with dense evergreen plantings near the property line.
- g) Target areas and outdoor firearm shooting ranges shall be setback at least five hundred (500) feet from the property line and must be at least two thousand five hundred (2,500) feet from residential uses.
- h) Indoor archery may be permitted as an ancillary use to the outdoor facilities.
- i) Fencing and gates shall be provided around the shooting range facility to maintain a level of security at the range with a minimum height of eight feet (8) tall to prevent unauthorized access.
- j) Signage must be maintained and be posted at a minimum of 200-foot intervals by durable, weatherproof signs not less than two square feet in size with a minimum of two-inch lettering, containing the following in large print:  
DANGERSHOOTING RANGE/HUNT CLUB

59. Indoor Recreation Centers.

- a) All activities shall be contained within a fully enclosed building.
- b) The minimum parcel size shall be 1 acre.
- c) May not be located within one hundred (100) feet of any residentially zoned property.
- d) Hours of operation shall be limited to between the hours of 10 AM and 10 PM unless otherwise approved by the Planning Commission.

60. Kennel, Boarding.

- a) The structure housing the animals shall be made adequately soundproof so that sound heard on adjacent properties does not exceed 60 dBA.
- b) Between 10:30 PM and 6 AM, all animals shall be kept indoors, except for brief periods for animals to use restroom areas.
- c) Outdoor areas where animals can exercise shall be fenced.
- d) The minimum parcel size shall be five (5) acres.

61. Landscaping Contractor.

- a) All equipment used by the business shall enter and exit the property in driveways located no less than 200 feet from an adjacent residence.
- b) All storage of equipment and materials must be inside a building or in the rear yard and behind the building in an area with a privacy fence of at least 8 feet in height.
- c) Screening or fencing shall be provided from adjacent residences.
- d) The minimum parcel size shall be 3 acres.
- e) Equipment repairs done on-site shall occur only between 8 AM and 8 PM.

62. Laundromat.

- a) On-site dry-cleaning operations are prohibited.

63. Live-Work Structure.

- a) Space devoted to non-residential uses shall be accessible from the dwelling area.
- b) The property must be the primary residence of the proprietor of the business conducted on-site.
- c) No more than two employees may be on-site at any time in addition to the owner or occupant of the property. Immediate family members who reside at the property engaged in the business are not considered employees for the purposes of this Chapter.
- d) The floor area of the dwelling area shall be at least eight hundred (800) square feet.
- e) Parking and loading areas shall be in the side or rear yard of the structure.
- f) The structure and parking areas shall be setback from any adjacent single-family dwelling by fifty (50) feet.
- g) The use shall not produce noise, odors, smoke, fumes, or vibration, which can be observed outside of the property.

64. Lumberyard.

- a) The lot area used for parking, display, or storage shall be provided with a permanent, durable, and dustless surface and shall be graded and drained so as to dispose of all surface water.
- b) Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- c) Materials stored within ten feet of the property line of the use may be stacked to a height not exceeding ten feet.

- d) Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.

65. Manufacturing, Heavy.

- a) The minimum parcel size shall be 15 acres.
- b) The minimum parcel width shall be 550 feet.
- c) Required front and street yards shall be landscaped to a depth of not less than 10 feet. Remaining front and street side yard areas or setbacks may be used for required off-street parking. Such landscaping shall consist predominantly of plant materials, except for necessary walks and drives.
- d) All structures on-site shall maintain a distance, measured structure from structure, of 1,000 feet to any single-family dwelling, House of Worship, Licensed Child Care Center, or public park.
- e) On-site parking areas, loading, shipping, and ingress/egress drives shall be paved.
- f) The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or the general welfare by reason of smoke, fumes, glare, noise, vibration, or odors that leave the site.

66. Manufacturing, Light.

- a) The minimum parcel size shall be 5 acres.
- b) Required front and street yards shall be landscaped to a depth of not less than 10 feet. The remaining front and street-side yard areas or setbacks may be used for required off-street parking. Such landscaping shall consist predominantly of plant materials, except for necessary walks and drives.
- c) All structures on-site shall maintain a distance, measured structure from structure, of eight hundred (800) feet to any single-family dwelling, House of Worship, Licensed Child Care Center, or public park.
- d) On-site parking areas, loading, shipping, and ingress/egress drives shall be paved.
- e) The proposed uses, activities, processes, materials, equipment, and operating conditions will not be detrimental to any persons, property, or the general welfare by reason of smoke, fumes, glare, noise, vibration, or odors that leave the site.

67. Manufacturing, Medium.

- a) The minimum parcel size shall be 10 acres.
- b) The minimum parcel width shall be 450 feet.



- c) Required front and street yards shall be landscaped to a depth of not less than 10 feet. Remaining front and street side yard areas or setbacks may be used for required off-street parking. Such landscaping shall consist predominantly of plant materials, except for necessary walks and drives.
- d) All structures on-site shall maintain a distance, measured structure from structure, of 500 feet to any single-family dwelling, House of Worship, Licensed Child Care Center, or public park.
- e) On-site parking areas, loading, shipping, and ingress/egress drives shall be paved.
- f) The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or the general welfare by reason of smoke, fumes, glare, noise, vibration, or odors that leave the site.

68. Marinas.

- a) Such uses shall only be located in waters that are directly adjacent to lands zoned Open Space Recreational (OSR).
- b) Fences and screening may be required by the Village Planning Commission to protect adjacent property and shall be included on any site plan reviewed by the Planning Commission.
- c) All such uses shall conform to the Marine Safety Act, Inland Lake, and Streams Act, the Natural Resources Protection Act, and all other county, state and federal regulations existing and amended.
- d) Nothing contained herein shall prohibit any approved Marina, Yacht and/or Boat Club from operating their administrative offices at a site located adjacent or non-adjacent to the actual marina site as long as such offices are approved within the confines of this zoning code.

69. Motor Vehicle Repair.

- a) Curb cuts shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 50 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
- b) The minimum parcel area shall be 43,560 square feet (One acre) and arranged so that ample space is available for all motor vehicles.
- c) No principal or accessory building shall be closer than 60 feet from any residential district or within 200 feet of any existing residential dwelling.
- d) Fences and screening in accordance may be required by the Planning Commission to protect adjacent property.

- e) The Planning Commission shall limit the number of vehicles stored outdoors.
- f) All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
- g) Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.

70. Motor Vehicle Sales.

- a) These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles.
- b) Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or asphalt.
- c) The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
- d) Devices for the transmission or broadcasting of audible voice or music sounds, such as a public address system, bells or tone devices, shall be prohibited outside of any building.
- e) Any building containing repair or service operations shall comply with the use standards applicable to such use as established in this Chapter. This includes only being permitted at locations that conform to the allowed zoning districts of the Zoning Code.
- f) All outdoor sales, displays, or storage areas adjacent to parcels having a single-family dwelling or residentially zoned shall be screened.

71. Motor Vehicle Service.

- a) No principal or accessory building shall be closer than 60 feet from any residential district or within 200 feet of any existing residential dwelling.
- b) Fences and screening in accordance may be required by the Planning Commission to protect adjacent property.
- c) All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
- d) Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.

72. Multimedia Production & Broadcast Facility.

- a) No satellite dish antenna shall be located between any principal building and the front lot line. All satellite dish antennae over twelve (12) feet in diameter and all

ground-mounted satellite dishes over fifteen (15) feet in overall height shall require Special Land Use approval by the Planning Commission. Roof mounted satellite dishes shall not exceed the zoning district height limit. Where the placement of the satellite dish will cause it to be visible from a residential district or a public right-of-way, it shall be screened from view. The screening may consist of structures, plant materials, earth berms and/or fences. At least seventy-five (75) percent of the antenna, to a height of six (6) feet above the average ground elevation, must be screened from view of the abutting lot or right-of-way.

- b) The minimum parcel size shall be 1 acre.

73. Nursery.

- a) All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially used or zoned property.
- b) The minimum parcel size shall be 5 acres.

74. Outdoor Recreation Facilities.

- a) The minimum parcel size shall be three (3) acres.
- b) Outdoor target ranges shall be located at least two thousand six hundred forty feet (2,640') from any residential use or district. Such areas shall be screened and bermed as required by the Planning Commission. Firearms may only be discharged in the presence of an employee of the facility.
- c) Any area where the discharge of firearms is proposed shall be fully fenced by a chain-link fence of at least six (6) feet in height to prevent unauthorized access to the area.
- d) No activity shall occur within one hundred (100) feet of a property line.
- e) The use of ORVs, ATVs, and RVs, shall be limited only to staff of the facility.

75. Pawn Shop.

- a) Shall not be located within five hundred (500) feet as measured from property line to property line of any of the following:
  - i) Residentially zoned property.
  - ii) Child Care Center
  - iii) House of Worship
  - iv) Tattoo Parlor
  - v) Another Pawn Shop
  - vi) Single-family dwelling
  - vii) Public or private school
  - viii) Payday Loan or Check Cashing Business

- b) The Planning Commission shall determine the number of on-site parking spaces required.
  - c) Hours of operation shall be between 10 AM and 10 PM.
76. Payday Loan & Check Cashing Services.
- a) Shall not be located within six hundred sixty (660) feet as measured from property line to property line of any of the following:
    - i) Residentially zoned property.
    - ii) Child Care Center
    - iii) House of Worship
    - iv) Tattoo Parlor
    - v) Pawn Shop
    - vi) Single-family dwelling
    - vii) Public or private school
    - viii) Another Payday Loan or Check Cashing Business
  - b) The Planning Commission shall determine the number of on-site parking spaces required.
  - c) Hours of operation shall be limited to hours between 10 AM and 8 PM
77. Personal Service Establishment.
- a) It shall be located on the ground floor.
  - b) Retail businesses which supply services and commodities on the premises, including clothing shops, shoe shops, and flower shops, may be allowed, provided the service component of the business remains operational.
78. Print Plant.
- a) Required front and street yards shall be landscaped to a depth of not less than 10 feet. The remaining front and street-side yard areas or setbacks may be used for required off-street parking. Such landscaping shall consist predominantly of plant materials, except for necessary walks and drives.
  - b) All structures on-site shall maintain a distance, measured structure from structure, of eight hundred (800) feet to any single-family dwelling, House of Worship, Licensed Child Care Center, or public park.
  - c) On-site parking areas, loading, shipping, and ingress/egress drives shall be paved.
  - d) The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or the general welfare by reason of smoke, fumes, glare, noise, vibration, or odors that leave the site.

79. Private Cemetery.

- a) The minimum parcel size shall be 5 acres.
- b) No portion of any Cemetery used for grave sites shall be located in a wetland or within the 100-year flood boundary.
- c) No structure containing bodies or remains shall be located closer than 100 feet to any property line.
- d) Ingress/Egress is required to occur on a paved Village Major Street or on a paved County primary road.
- e) Screening may be required along a property line that is adjacent to a single-family dwelling.
- f) Prior to the placement of a crematorium, mausoleum, or other building with remains, a Cemetery Master Plan shall be submitted to and approved by the Planning Commission.

80. Private Parks.

- a) The minimum parcel size shall be 3 acres.
- b) Such use may not be operated for profit.
- c) The use shall not impair the natural appearance of the land.
- d) The minimum parcel width shall be one hundred (100) feet.
- e) Buildings shall be limited to a single-story on parcels that are less than 5 acres in size.
- f) Off-street parking may be provided for on the required front setback provided not more than 40% of the required front setback is used for parking or ingress/egress.

81. Public Utility Facilities.

- a) The use shall have frontage on an existing paved road or a newly proposed paved road.
- b) Structures and activities shall be setback from adjacent residential properties by fifty (50) feet.
- c) The use shall be enclosed by a solid wall or fencing.

82. Quarry.

- a) It shall be the responsibility of the landowner or permit holder to use ecological conservation practices for all areas used for said sand and gravel excavation.
- b) No business or industrial buildings or structures of a permanent nature shall be erected, except when such building is a permitted use within the district in which the borrow pit is located.

- c) The Planning Commission may require that part or all of the operation be screened.
- d) No excavation shall come within three hundred (300) feet of a residence or within 100 feet of a property line or a road right-of-way. The Planning Commission may allow excavation activities within this minimum setback area during the reclamation process provided no excavation is allowed within 50 feet of any property line and no activity is allowed within 25 feet of any property line. The minimum parcel size for any mineral extraction use shall be 40 80 acres.
- e) All truck operations shall be directed away from residential streets.
- f) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- g) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excess dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
- h) Reclamation and rehabilitation of mined areas shall be accomplished progressively as the area is being mined. Not more than 50% of the intended project area for projects of greater than 40 acres, or more than 75% for projects of 40 acres or less, may be completed before restoration must begin. Substantial completion of reclamation and rehabilitation shall be affected within one year after the termination of mining or excavation activity in each area. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
- i) The banks of all excavations shall be sloped to the waterline in a water-producing excavation and to the pit floor in a dry operation at a slope which shall not be steeper than 1 foot vertical to four feet horizontal.
- j) Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements are to be completed within a one-year period. Top soil shall be applied and compacted to a minimum depth of four inches sufficient to support vegetation.
- k) Vegetation similar to that which existed prior to the excavation process shall be restored by the appropriate seeding of grasses or the planting of trees and

shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.

- l) Upon cessation of mining operations by abandonment or otherwise, the operation company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located may be retained.
  - m) No mineral extraction activity shall be allowed or commenced until a plan has been submitted and approved by the Planning Commission disclosing compliance with all of the provisions of the code of ordinances or the manner in which compliance will be secured by the applicant. Such plans include, among other things, the following:
    - i) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto, abutting public streets, additional roads if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
    - ii) The number of acres and the location of the same proposed to be operated upon within the following 12 months period after commencement of operations and the planned stages of reclamation.
    - iii) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
    - iv) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
    - v) A reclamation map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bonafide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.
83. Racetrack.
- a) Racetracks shall be enclosed with an obscuring screen fencing of at least 6 feet in height.
  - b) All racing activities shall be located at least 1,320 feet from any parcel with a single-family dwelling.

- c) Any area where bulk storage of fuel occurs shall be capable of keeping the fuel on-site in the event of a leak or structure collapse through the provisions of a dike or other containment structure adequately sized to retain the fuel.
- d) The minimum parcel size shall be at 20 acres.
- e) The outdoor storage or repair of tires, vehicle parts, vehicle bodies, and vehicle frames shall be prohibited.
- f) The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or the general welfare by reason of smoke, fumes, glare, noise, vibration, or odors that leave the site.

84. Recycling Drop-off Sites.

- a) Operations shall be conducted in such a way that will control litter and pestilence and will not contribute to unsightliness.
- b) The on-site storage of materials to be recycled shall be in appropriate containers.

85. Research Facility.

- a) These uses include only the following types of uses: which shall include only the following types of uses: scientific, industrial or business research and testing laboratories; any use charged with the principal function of educational or technical training; hospitals and clinics for the treatment of animals; the raising of animals for research purposes; and executive or administrative office buildings and accessory uses or buildings which are incidental to such research activities.
- b) All such uses and activities shall be conducted within a fully enclosed building; however, the planning commission shall have discretion, in passing upon such special exception use, to permit outdoor activities under such terms and conditions as the planning commission shall deem advisable.
- c) No unreasonable or unnecessarily loud noise or disturbance shall be created which shall be detrimental to the health, peace or quiet of the residents and property owners of the village.
- d) No obnoxious, toxic, or corrosive fumes or gases shall be emitted which is injurious to the health, safety or welfare of the residents and property owners of the village.
- e) No smoke, odorous gases, or other odorous matter shall be emitted in such quantities as to be offensive to the health, safety, and general welfare of the residents and property owners of the village at or beyond any boundary of the use of the parcel.



- f) No dust or other particulate matter may be released that is detectable at the lot line.
  - g) No physical vibrations which are detectable at the lot line shall be produced.
  - h) No radioactive materials that exceed quantities established by the United States Bureau of Standards shall be discharged.
  - i) No activity involving the storage, use or manufacture of materials that decompose by detonation may be carried on.
  - j) No heat shall be produced at the lot line so intense as to be a public nuisance.
86. Restaurant.
- a) In establishments where alcoholic beverages or entertainment are allowed, no building shall be located closer than 50 feet to any residential district.
  - b) In establishments where more than 50% of the gross profits from operation come from the sale of alcoholic spirits, a minimum setback of 300 feet is required from any residential district.
  - c) Not more than 33% of the gross floor area open to the general public shall be used for purposes other than seating for diners consisting of tables, chairs, booths, and necessary aisle-ways. Public restroom facilities shall be considered in this determination.
  - d) All restaurants where food is served must be licensed by the Michigan Department of Public Health.
  - e) All drive-through windows shall be covered by an overhang or canopy of no less than three feet from the edge of the structure.
87. Restaurant, Drive-thru.
- a) Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten stacking spaces for the service-ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
  - b) Drive-thru lanes and drive-thru service windows shall not be located along the street frontage(s) of a building
  - c) Speaker noise levels measured at the drive-thru site property line shall not exceed applicable Village noise standards.
  - d) Drive-thru lanes shall be constructed with the necessary vehicle stacking capacity so that vehicles using the drive-thru lane do not overflow into the on-site parking aisles, public street right-of-way, or public streets.

- e) Each vehicle stacking space in a drive-thru lane shall be a minimum of twenty (20) feet in length.
- f) Vehicle stacking lanes shall not block or interfere with access to parking lot spaces and shall function independently of parking lot aisles.
- g) Pedestrian crosswalks shall not cross drive-thru lanes.
- h) The minimum parcel size for a Drive-thru Restaurant shall be 1 acre.

88. Retail Establishment.

- a) No row of parking spaces shall exceed twenty-five (25) spaces.
- b) Loading areas shall not be visible from a right-of-way.
- c) Loading areas shall not face any abutting residentially zoned properties unless such is screened by a privacy fence of at least six feet in height.
- d) A sidewalk of no less than six (6) feet in width shall run unobstructed along the façade of the building on any side which has a customer entry point.
- e) On-site parking areas shall be hard-surfaced.
- f) The Planning Commission shall determine the number of on-site parking spaces needed.

89. Roadside Stands.

- a) Permanent Roadside Stands shall be limited to a single story and a maximum footprint of 300 square feet.
- b) Seasonal Roadside Stands shall be of a portable construction and shall be removed after 120 days or during any period of time where it is not used for a period of 14 consecutive days or more.
- c) Suitable trash containers shall be placed on the premises for public use.
- d) A parcel shall have no more than one (1) Roadside stand.
- e) Items sold at a Roadside Stand shall be limited to items grown on the premises or made from products grown on the premises or locally grown produce and products made from locally grown produce.

90. RV, Trailer, Watercraft Service & Storage.

- a) It must be located on a paved road.
- b) Storage areas must be secure with a fence of at least 6 feet in height.
- c) Screening shall be provided and maintained in the form of trees of at least four-feet in height at the time of planting at a ratio of 1 tree for every 8 feet and a fraction thereof of the fence facing a single-family dwelling.
- d) If done on the same parcel as a Self-Service Storage Facility, the ability to store RVs, trailers, watercraft, and similar items outside shall only occur in the Districts allowed by this subsection.

- e) Ingress/egress drives shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 50 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
  - f) The minimum parcel area shall be 43,560 square feet (One acre) and arranged so that ample space is available for all motor vehicles.
  - g) No principal or accessory building shall be closer than 60 feet from any residential district or within 200 feet of any existing residential dwelling.
  - h) The Planning Commission shall limit the number of vehicles stored outdoors.
  - i) All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
  - j) Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
91. Salvage Yards.
- a) All uses shall be established and maintained in accordance with all applicable state, county, and village laws and ordinances.
  - b) The site shall be a minimum of five acres.
  - c) A solid fence or wall eight feet in height shall be provided and maintained around the periphery of the site to screen said site from the surrounding property.
  - d) All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence or wall, except that portable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
  - e) All enclosed areas shall be set back at least 100 feet from any front street or property line and 1,000 feet from any residential district.
  - f) No open burning shall be permitted. All industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
  - g) The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or the general welfare by reason of smoke, fumes, glare, noise, vibration, or odors that leave the site.
92. Sawmill.
- a) It shall be the responsibility of the landowner or permit holder to use ecological conservation practices for all areas used for said facilities.

- b) The Village Council may require that part or all of the operation be screened. During its review of the application, the Planning Commission shall include what sections of the site should be screened as part of its recommendation.
  - c) All truck operations shall be directed away from residential areas.
  - d) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary for the operation of such equipment.
  - e) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excess dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
  - f) The minimum lot size shall be five acres.
  - g) No such use shall be located within 100 feet of any property line or within 1,000 feet of any residential use or district.
  - h) The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or the general welfare by reason of smoke, fumes, glare, noise, vibration, or odors that leave the site.
93. School, Public, Private, & Parochial.
- a) Must be licensed by the State of Michigan.
  - b) The minimum parcel width shall be three hundred (300) feet.
  - c) The minimum parcel size shall be ten (10) acres.
  - d) It must be located on a paved road.
  - e) All interior drives, parking areas, and loading areas shall be paved.
  - f) On-site parking requirements shall be determined by the Planning Commission
94. Self-Service Storage Facility.
- a) All vehicular access to and from the site shall be from a paved road.
  - b) Fences and screening shall be required by the Planning Commission to protect adjacent property.
  - c) There shall be no outside storage or stockpiling. All merchandise shall be stored within an enclosed building.

- d) The area used for parking shall only be based on the main office area of the development.
- e) Exterior lighting shall be shielded and directed downwards. No exterior lighting shall shine directly into any single-family dwelling.
- f) Beginning on January 1, 2020, parcels with an established Self-Storage Use are permitted to expand and add new structures on their existing parcel, but other new self-service storage structures or uses shall be prohibited within four hundred feet (400') of the Coldwater Road right-of-way.

95. Shopping Center.

- a) No row of parking spaces shall exceed twenty-five (25) spaces.
- b) Loading areas shall not be visible from a right-of-way or any abutting residentially zoned properties.
- c) A sidewalk of no less than ten (10) feet in width shall run unobstructed along the façade of the building on any side which has a customer entry point.
- d) Individual units within the Shopping Center shall be at least one thousand (1,000) square feet.
- e) On-site parking areas shall be paved.
- f) The Planning Commission shall determine the number of on-site parking spaces needed.

96. Small Box Retailer.

- a) No row of parking spaces shall exceed twenty-five (25) spaces.
- b) Loading areas shall not face a right-of-way.
- c) Loading areas shall not face any abutting residentially zoned properties, unless such is screened by a privacy fence of at least six feet in height.
- d) A sidewalk of no less than six (6) feet in width shall run unobstructed along the façade of the building on any side which has a customer entry point.
- e) On-site parking areas shall be hard-surfaced.
- f) The Planning Commission shall determine the number of on-site parking spaces needed.
- g) The onsite sale of alcohol shall be prohibited unless the store has a pharmacy.

97. Solar Energy Facility.

- a) Must be setback at least fifty (50) feet from all property lines.
- b) The applicant shall provide documentation that glare will be eliminated insofar as possible. This may include manufacture's specifications of the panels, proficient angling, adequate screening, or other means, as not to adversely affect neighboring properties.

- c) Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping.
- d) The maximum lot coverage of solar panels shall be limited to 60% of the parcel. (This does not count towards the maximum impervious regulation of the district the facility is located in.)
- e) The maximum ground-mounted panel height is fifteen (15) feet, measured from the grade to the top of the panel.
- f) Panels shall be screened from residential districts and public rights of way by a greenbelt or six (6) foot-high privacy fence.

98. Solid Waste Facility.

- a) These uses shall meet all of the requirements of the Solid Waste Management Act, Act 641 of 1978, as amended, and the Isabella County Solid Waste Management Plan.
- b) The Village Council may limit the hours of operation during which trucks may enter or leave the site.
- c) The perimeter of the site shall be fenced with a privacy fence with a minimum height of at least 6 feet.
- d) All drives used for truck traffic into or out of the site shall be paved.
- e) The minimum parcel size shall be 40 acres.
- f) The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or the general welfare by reason of smoke, fumes, glare, noise, vibration, or odors that leave the site.

99. State Licensed Mobile Home Park.

- a) The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of mobile home parks shall be prohibited. New or used mobile homes located on lots within the mobile home park to be used and occupied on that site may be sold by a licensed dealer or broker. This Section shall not prohibit the sale of a used mobile home by a resident of the mobile home park, provided the park's regulations permit the sale.
- b) A mobile home shall be in compliance with the following minimum distances:
  - i) Twenty (20) feet from any part of an attached or detached structure of an adjacent mobile home, this is used for living purposes.
  - ii) Ten (10) feet from an on-site parking space of an adjacent site.

- iii) Ten (10) feet from either of the following: An attached or detached structure or accessory of an adjacent mobile home that is not used for living purposes.
  - iv) Fifty (50) feet from any permanent building.
  - v) Ten (10) feet from the edge of an internal street.
  - vi) Twenty (20) feet the right-of-way line of a dedicated public street within the mobile home park.
  - vii) Seven and one half (7½) feet from a parking bay.
  - viii) Seven (7) feet from a common pedestrian walkway.
  - c) The height of an accessory structure in a Mobile Home Park shall be equal to, or less than, that of the primary structure and shall be limited to a maximum of 1 story.
  - e) Vehicular access to a mobile home park shall be provided by at least one (1) hard surface public road.
  - f) Only streets within the mobile home park shall provide vehicular access to individual mobile home sites in the mobile home park.
  - g) On-street parking is prohibited in the Mobile Home Park.
  - h) Two-way streets shall be at least 22 feet wide, and one-way streets at least 12 feet wide.
  - i) Street names shall conform to the Village of Lake Isabella Street Naming Policy.
  - j) Storm shelters shall be provided for all mobile home residential uses in conformance with the following requirements:
    - i) Shelters shall be located no more than six hundred (600) feet from any dwelling unit and/or occupied area served and on the same property.
    - ii) Shelters shall provide eight (8) square feet of floor area for every bedroom in the Mobile Home Park.
    - iii) Shelters shall be designed to withstand a wind speed of two hundred (200) miles per hour and in accordance with the technical guidelines recommended by the U.S. Federal Emergency Management Agency
100. Supermarket.
- a) The minimum front yard setback shall be sixty (60) feet.
  - b) The minimum parcel size shall be five (5) acres.
  - c) A sidewalk of no less than ten (10) feet in width shall run unobstructed along the façade of the building on any side which has a customer entry point.
  - d) No row of parking spaces shall exceed twenty-five (25) spaces.
  - e) Cart corrals shall be designed to be an integral part of the parking area.

- f) Loading areas shall not be visible from a right-of-way or any abutting residentially zoned properties.
  - g) Outdoor display and sales areas shall be shown on the Site Plan.
  - h) A single business shall occupy at least 75% of the gross floor area of the structure.
101. Tattoo Parlor.
- a) The use shall not be located within 1,000 feet of another tattoo parlor.
  - b) The use shall not be within 500 feet of a Licensed Child Care Center or House of Worship.
  - c) The use shall not be within 1,000 feet of an Adult Entertainment Business.
  - d) The use shall not be within 500 feet of an existing detached single-family dwelling.
  - e) The use shall not be located within 250 feet of any business that sells alcohol for off-site consumption.
  - f) Hours of operation shall be limited to the hours of noon to 8 PM Sunday through Thursday and noon to 10 PM on Friday and Saturday.
  - g) A customer waiting area of at least 200 square feet shall be provided.
102. Telecommunication Tower.
- a) The applicant shall provide evidence that there is no reasonable or suitable alternative for the collocation of antennas on an existing communication tower within the service area of the proposed tower.
  - b) The applicant shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas that are within 4 miles of the Village of Lake Isabella.
  - c) All towers and antennas shall be located so that they do not interfere with the reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.
  - d) No new Telecommunication Tower or antenna shall be located within a three (3) miles radius of an existing tower or antenna. This requirement may be waived by the Planning Commission if one of the following conditions are met:
    - i) The proposed communication facility is located on an existing communication tower.
    - ii) The communication tower is to serve solely as a government or educational institution.



- e) No Telecommunication Tower or antenna shall be located within six hundred sixty (660) feet of a single-family dwelling.
  - f) No Telecommunication Tower or antenna shall be in violation of the height restrictions imposed by the approved landing plan for any public or private airport.
  - g) The tower or antenna shall be setback from all property lines at a minimum by a distance of one and one-half times the height of the tower or antenna.
  - h) A security fence of at least 6 feet in height shall be constructed and maintained around the tower and any associated facilities.
  - i) All Telecommunication Towers shall be equipped with anti-climbing devices.
  - j) All Telecommunication Towers shall be equipped with aircraft warning lighting at its tallest point.
  - k) Any Telecommunication Tower or antenna not in use for a period of 12 months shall be removed.
103. Theaters & Assembly Halls.
- a) Noise and or sound from the site must be at appropriate noise levels for residential neighborhoods and adjacent uses
  - b) An adequate security plan must be provided.
  - c) Permanent restroom facilities must be located on the site.
  - d) Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
  - e) For uses exceeding a seating capacity of 600 persons, a traffic impact study shall be required to be submitted by the applicant, which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets, which are likely to provide access to the site.
  - f) Banquet facilities shall be limited to no more than 12 hours of operation per day.
  - g) A parking plan must be approved for this use, and the parking needs for the use must not exceed the number of available parking spaces in the dedicated parking lots for the facility when taking into account the other users of the property. No overnight truck parking shall be permitted in any front yard.
104. Townhouse/Condo.
- a) The residential space shall have safe, convenient access independent of any other use(s) located on the parcel.
  - b) Each unit shall be provided at least one off-street parking space unless waived by the Planning Commission.

- c) Parking areas shall be screened to prevent direct light from vehicle headlights from shining into residential structures.
- d) All driveways, sidewalks, roads, access easements, parking areas, and similar areas for pedestrians or vehicles shall be paved within one year of the date of approval unless otherwise delayed or waived by the Planning Commission.
- e) A dwelling unit must provide an accessible route through the hallways and passageways of the first floor of the dwelling unit. The route must provide a minimum width of 36 inches and be level with ramped or beveled changes at door thresholds.
- f) Parking lots and dumpsters shall be screened and setback from a residential parcel by at least one hundred feet (100').
- g) For every residential unit, a minimum of one hundred square feet (100') of rear or side yard open space shall be provided on the same parcel as the dwelling unit. This area must be substantially covered with grass, shrubs, plants, trees, or usable outdoor open space features such as patios and walkways. The area of the parcel used to satisfy the rear yard open space requirement shall not contain any accessory structures, drives, or parking lots.
- h) Additional landscaping and/or privacy fencing may be added by the Planning Commission during Site Plan review if it finds that such is needed to properly screen multi-unit residential structures from adjacent parcels.
- i) For developments that have multiple buildings, each building shall be separated by at least twenty feet (40').
- j) New multiple-unit structures shall be of the same architectural style as the existing character of the development near the location but shall not be repetitive in nature. Such structures shall stagger and alternate features and locations of windows, doors, porches, garages, roof lines, and the like. This shall also apply to multiple structures in the same larger development.

105. Tow Services.

- a) All uses shall be established and maintained in accordance with all applicable state, county, and village laws and ordinances.
- b) The site shall be a minimum of five acres.
- c) A solid fence or wall eight feet in height shall be provided and maintained around the periphery of the site to screen said site from the surrounding property.
- d) All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the enclosed area.

- e) All enclosed and fenced areas shall be set back at least 100 feet from any residential district.

106. Veterinary Clinic.

- a) All activities shall be conducted within an enclosed building.
- b) Outdoor animal runs or exercise areas shall meet setback requirements.
- c) Retail areas shall be limited to 25% of the gross floor area of the business.

107. Warehouse, Distribution.

- a) The minimum parcel size shall be three (3) acres.
- b) The minimum parcel width shall be one hundred fifty (150) feet.
- c) Shall not be located within one hundred (100) feet of a single-family dwelling.
- d) Loading and unloading areas shall not be visible from a public right-of-way or residential use.
- e) The use of backup alarms on equipment used at the facility shall be self-adjusting to limit sound levels.

108. Wedding Venue.

- a) Minimum parcel size shall be 3 acres.
- b) Noise and or sound from the site must be at appropriate noise levels for residential neighborhoods and adjacent uses. The use of outdoor PA systems or speakers shall be prohibited except during a wedding ceremony.
- c) Permanent restroom facilities must be located on the site.
- d) The required landscaping must be maintained, and the grounds for the facility must be policed so as to prevent paper and trash from accumulating on the site.
- e) Banquet facilities shall be limited to 10 hours of operation per day.
- f) A parking plan must be approved for this use, and the parking needs must not exceed the number of available parking spaces in the dedicated parking lots for the facility when taking into account the other users of the property. No overnight truck parking shall be permitted in any front yard.

109. Zoo.

- a) The minimum parcel size shall be forty (40) acres.
- b) In addition to condition a, the property and use shall meet all other requirements applicable to Amusement Parks and Boarding Kennels.

## SPECIAL LAND USES

1. **Purpose.** This Chapter recognizes that certain uses may be necessary or desirable to allow in certain locations within the Village, but due to the actual or potential impact on neighboring uses or public services and facilities need to be more carefully reviewed concerning their location, design, and intensity before an approval may be granted.
2. **Approval Authority.** The Planning Commission shall review and; approve, approve with conditions, or deny a Special Land Use application. Decisions of the Planning Commission shall not be appealable to the Zoning Board of Appeals.
3. **Application Procedures for Special Land Uses.** An application for a Special Land Use Permit shall comply with the following procedures:
  - A. Application Requirements. An application seeking approval for a Special Land Use shall submit a completed application to the Planning Commission. To be considered a completed application, the following must be submitted:
    - a) A signed and completed application form and required fee.
    - b) A Site Plan as required by Chapter 1274. If no exterior or site changes are proposed, an aerial photograph of the site and photographs of the exterior of the site shall be submitted.
  - B. Review Process.
    1. Applicants are received and reviewed by the Zoning Administrator. A pre-application conference with the Zoning Administrator is recommended but not required.
    2. A public hearing is scheduled for the next regular meeting of the Planning Commission that meets the notification requirements of the Michigan Zoning Enabling Act.
    3. After conducting a public hearing, the Planning Commission shall approve, approve with conditions, or deny the application. If the Planning Commission determines that the application does not satisfy the requirements of the zoning code, the Planning Commission may postpone action on the application to allow the applicant to make modifications or deny the application. In any event, the decision of the Planning Commission shall include a findings of fact and the reasons upon which the determination is based in the meeting minutes.
  - C. Conditions. Reasonable and appropriate conditions may be required by the Planning Commission to ensure that public services and facilities affected by a proposed Special Land Use will be capable of accommodating increased demands caused by the land use or activity. Conditions may also be imposed to protect natural resources and ensure

compatibility with adjacent land uses. The Planning Commission may determine that conditions are justified to protect the public's health, safety, and welfare to ensure compliance with the zoning code standards. All conditions imposed shall be made a part of the record of the approved site condominium.

- D. Site Maintenance. The owner of a property where a Special Land Use has been approved shall maintain the property in accordance with the approved permit and Site Plan on a continuing basis. A property owner who fails to maintain the property according to the Special Land Use Permit and Site Plan shall be deemed to be in violation of the zoning code.
  - E. Expansion. An expansion of a Special Land Use or change in the conditions required by a Special Land Use permit shall require the submission of a new application for a Special Land Use.
  - F. Termination or Discontinuance. An approved Special Land Use permit shall become null and void under the following circumstances:
    1. The use is not established within nine (9) months of the date of issuance.
    2. The use is discontinued for twelve (12) months.
    3. If the applicant or property owner has failed to comply with or maintain all of the conditions required by the Special Land Use Permit, the Planning Commission may hold a public hearing to review the permit. Should the Planning Commission determine that the applicant has not met the conditions of the permit, it may take action to ensure compliance or revoke the permit.
- 4. General Review Criteria for Special Land Uses.** The general requirements for all special land uses are as follows:
- A. Whether the proposed development is in general agreement with the adopted Village Master Plan.
  - B. Whether the density or use characteristics of the proposed development are detrimental to existing uses on adjacent properties and land uses.
  - C. The special land use shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property due to traffic, noise, smoke, odor, fumes, or glare. Impacts on the natural environment shall be within acceptable limits in comparison to the effects that would result from other uses permitted by right in the zoning district.
  - D. The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special use

shall be able to continually provide adequate services and facilities deemed essential to the special use under consideration.

- E. The special land use shall represent an improvement to the property under consideration and the surrounding area.
- F. The special land use shall not place demands on public services and facilities above the current capacity.

## SITE PLAN REVIEW

- 1. PURPOSE.** The purpose of this Chapter is to require a review of the physical development of certain structures, which may have an impact on the Village of Lake Isabella. Site Plan review allows the Village of Lake Isabella to look at the specific location of a proposed use or structure, the layout of the site, the exterior finishes of the structure, and landscaping. The intent of this added layer of review is to ensure development is consistent with the zoning code and that new development is not overly detrimental to surrounding parcels and uses. Site Plan review allows for the protection of the environment and existing natural features, the public's health, and safety, and benefits the community as a whole. Through the Site Plan Review process, the community can work with a developer to ensure that a location will have safe and convenient traffic movement; adequate protection of non-motorized traffic, a harmonious relationship with nearby structures and uses; and the conservation of natural features and resources which add the overall character of the community.
- 2. SITE PLAN APPLICABILITY.** The Village of Lake Isabella utilizes three different levels of illustrations to identify buildings and other features during the development process. All illustrations are required to show existing and new/proposed buildings, structures, and features on the property and changes thereto impacted by the proposed project. All drawings shall be clear and legible. An approved drawing shall be considered to be a legally binding part of a zoning approval, and violations of an Approved Site Plan shall be deemed as a violation of the zoning code. The three different types of illustrations are as follows:

  - A. Basic Site Plan: Also known as a "plot plan," is used for detached single-family dwellings, additions to detached single-family dwellings, and accessory structures in residential districts. A Basic Site Plan must be, at a minimum, a sketch or superimposed drawing over an aerial photograph of the site showing distances and dimensions. It does not have to be to scale.
  - B. Medium Site Plan: A Medium Site Plan must be drawn to scale on paper of at least 8.5" x 11", and must be presented in a manner such that the Zoning Administrator or Planning Commission can interpret the drawing. A Medium Site Plan is required for:

    1. Any permitted use in a non-residential district requiring the development of a new structure.
    2. Matters before the Zoning Board of Appeals that do not pertain to detached single-family dwellings or accessory structures to detached single-family dwellings.

3. Any accessory structure which requires Planning Commission approval shall be required to meet the Medium Site Plan requirements.4. An addition or expansion of an existing structure that was previously approved via a Site Plan.
  5. Special Land Uses, unless such is specifically required by the zoning code to complete a Detailed Site Plan.
  6. An addition or expansion of an existing structure that was developed without Site Plan approval but would now require Site Plan approval if it were proposed as a new development.
- C. Detailed Site Plan: A Detailed Site Plan is required to be submitted to the Planning Commission for review and approval of:
1. Any new primary structure in the RLM district.
  2. Planned Unit Developments.
  3. New Plats and/or Site Condominium Projects.
- 3. SITE PLAN ILLUSTRATION REQUIREMENTS.** Each Site Plan submitted shall contain the following information as required by the following table (required items are marked with an “X”), unless specifically waived by the Planning Commission, in whole or in part;

Requirement	“Basic”	“Medium”	“Detailed”
The name and address of the property owner and petitioner if different from the owner.	X	X	X
Location of existing and proposed connections to sewer/septic systems and water/well supply systems.	X	X	X
An overhead view of all different floor levels, showing the dimensions of interior rooms and spaces.	X	X	X
Exterior elevations of proposed structures showing materials, doors and windows, height and finishes, and exterior lighting.	X	X	X
The legal description of the parcel, including acreage.		X	X
The name and address of the individual or firm responsible for the preparation of the illustration.		X	X
The date, north arrow, and scale. The scale shall be not less than 1" = 20' for property under three acres and at least 1" = 100' for those three acres or more. One drawing must be submitted showing the entire site.		X	X
All lot and/or property lines are to be shown and dimensioned, including required setback lines.		X	X



The location and height of all existing and proposed structures on and within 100' of the subject property's boundary.		X	X
The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas, recreation areas, common use areas, and areas to be conveyed for public use and purpose.		X	X
The location, height, and types of fences, walls, exterior lighting, and landscaping.		X	X
Trash receptacle location and screening.		X	X
The location and size of all stormwater management facilities and features		X	X
A full-color illustration of all proposed signs, including the size of the proposed sign, height of proposed signs, and location of signs on the site or structure(s).		X	X
Distances as measured at the closest point between structures.		X	X
Fire and emergency response routes.			X
Barrier-free access locations (ramps, landings, curb cuts...)			X
Site grading elevations are shown at one-foot intervals (if applicable)			X
The centerline location of adjacent or abutting roads, streets, alleys or ingress/egress easements and detail as to the total and improved width of the adjacent or abutting road, street, alley, or ingress/egress easement and existing and proposed surface types.			X
Natural Features such as wetlands, high-risk erosion area, slopes over 10%, or woodland areas. For the purpose of this subsection, a woodland area is defined as any parcel which has eight or more mature trees for every quarter-acre and portion thereof with a trunk diameter of six inches or more.			X
The location and size of all existing and new utility services lines or mains.			X
The existing and proposed drainage pattern and features used to manage and direct stormwater and runoff on-site.			X
Requires a preliminary Site Plan meeting and review before being able to submit an application to the Planning Commission.			X

- 4. SITE PLAN REVIEW PROCESS.** The process for reviewing and approving Medium Site Plans and Detailed Site Plans shall follow the following Steps. An illustrated flowchart of this process is provided at the end of this Section.

Step 1: The applicant meets with Village staff and reviews the requirements of the zoning code for their project.

Step 1(a): The applicant may submit a preliminary plan for the Zoning Administrator to review and provide written comments regarding areas of the zoning that need further attention on the application.

Step 2: The applicant submits a Site Plan application and application fee..

Step 3: Submitted Site Plan is reviewed by the Planning Commission. A Medium Site Plan does not require a public hearing before the Planning Commission may act on the application. A Detailed Site Plan does require a public hearing before the Planning Commission may act on the application.

Step 4: If, during the review, it becomes clear that a variance will be required for any proposed item, the Planning Commission or Zoning Administrator shall postpone action on the application site Plan until the applicant has secured any necessary variance from the Zoning Board of Appeals.

Step 5: After completing its review, the Planning Commission or Zoning Administrator (depending on the approval level required in the zoning code for the particular project) may approve, approve with conditions, or deny the Site Plan.

Step 6: Any items identified in the conditional approval may be returned for final review and approval to the Planning Commission or Zoning Administrator.

- 5. SITE PLAN REVIEW STANDARDS.** In reviewing a Site Plan, the Planning Commission shall determine whether the applicant has established that the Site Plan is consistent with the adopted code of ordinances and is in accordance with the Master Plan of the Village and, more specifically:

A. That the movement of vehicular and pedestrian traffic within site, and in relation to ingress and egress to the site, will be safe and convenient.

B. That the Site Plan is harmonious with, and not injurious or objectionable to, existing and projected uses in the immediate area. Specifically, adjacent properties and topographical features are protected through the appropriate placement of structures and landscaping.

- C. That the Site Plan shows, the use will be adequately served by necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads, and parking.
- D. That the Site Plan is adequate to provide for the health, safety, and general welfare of the persons and property on the site and in the neighboring community; this includes, but is not limited to, access ability of emergency response vehicles.
- E. The Site Plan has incorporated adequate noise mitigation measures to address nuisances, including, but not limited to; HVAC, air conditioning, heating, and similar devices, coming, going, and idling of motor vehicles, and the loading and unloading of trucks and equipment.
- F. That the Site Plan accounts for the storage of raw goods and materials, as well as finished products. The Planning Commission may require all finished goods and raw materials to be stored inside a fully enclosed structure. Likewise, the Planning Commission may further limit the ability to store and display merchandise outside of any completed and approved structure.
- G. Site Plans for facilities that use or generate hazardous substances in either quantity greater than two hundred (200) pounds per month, or one hundred (100) gallons, shall be subject to the following additional Site Plan submittal requirements:
  - 1. Location and size of interior and exterior areas and structure to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
  - 2. Location of all underground and aboveground storage tanks for fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
  - 3. Location of exterior and interior drains, on-site sewage systems, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the Site Plan.
  - 4. Location of all water wells on the site and within one hundred fifty (150) feet of the property's boundaries.
  - 5. Delineation of areas on the property known or suspected to be contaminated with a report on the status of clean-up activities.
  - 6. A listing of all hazardous materials that will be stored or used on-site. Locations using hazardous materials are also subject to additional reporting requirements as required by state law to the local Fire Chief and appropriate state regulatory agency.

7. All applicable county, state, and federal permits relating to hazardous materials.
  - H. Additionally, the Planning Commission may prohibit the development of property within the bounds of a future road, Public Park, or other public facility shown in the Master Plan or which may be located within the bounds of the 100-year flood plain.
  - I. The Planning Commission may place conditions on approval of the Site Plan for additional fencing, lighting, and screening; or other conditions to carry out the requirements of the zoning code.
  - J. The Chairman of the Planning Commission shall not sign an approved Site Plan until the applicant has submitted three copies of all permits which may be required by the Village, county, or the state for the construction of the use, such as but not limited to, permits for on-site wastewater disposal, and permits required by the State of Michigan and its various agencies and departments.
6. **SPECIAL STUDIES.** For projects requiring a Detailed Site Plan application, the Planning Commission may require any or all of the following reports or studies, or components thereof, as a part of a completed Site Plan application.
- A. Environmental Assessment Report. An Environmental Assessment Report may be required by the Planning Commission on parcels zoned Research & Light Manufacturing and shall be a summary review of the environmental impacts of a project in accordance with the following standards:
    1. The purpose of the Environmental Assessment shall be
      - a) to provide relevant information to the Planning Commission on the potential environmental impact of applications for substantial projects that may have an impact on the natural, social and economic environment of the Village;
      - b) to inject into the developer's planning process consideration of the characteristics of the land and the interests of the community at large, and
      - c) to facilitate the participation of the citizens of the community in the review of substantial developments.
    2. Guidelines. When required by the Planning Commission pursuant to this Section, an applicant shall prepare an Environmental Assessment in accordance with these guidelines. An Environmental Assessment is not an Environmental Impact Statement but rather a summary review of the site in question, considering the past and present land uses and the proposed development. The analysis is intended to determine how the proposed

development will meet the goals of the community as they are expressed in the Master Plan. The complexity of the Environmental Assessment will depend on the scope of the project and the magnitude of the potential impact. In preparing the Environmental Assessment, judgment should be exercised to keep the form and extent of responses in proportion to the scope of the project. Each answer is to be as brief as practicable, although the Planning Commission may request further elaboration. The Planning Commission may waive elements of these guidelines as either not applicable or previously addressed in other submittals on a case-by-case basis. All information must be submitted in the following format and shall not merely reference a study or report completed previously, rather, whenever possible, the Environmental Assessment report shall incorporate a summary of the findings of such study or report in addition to such cross-references. In addition, any cross-referenced study or report shall be submitted with the Environmental Assessment.

3. Content. The following material shall be included and/or addressed in the Environmental Assessment unless specifically waived by the Planning Commission as not applicable:
  - a) A description of the site in its current condition. This shall indicate any buildings to be preserved and those to be removed, along with an indication of what will be done with the demolition debris. This must also include information on:
    - i) Flora and fauna (be sure to list any endangered species on-site).
    - ii) General topography and drainage patterns, including any regulated features such as wetlands, high-risk erosion areas, or other features.
    - iii) Adjacent waterways.
    - iv) Existing wells, approximate depth, and use.
  - b) A description of any asbestos abatement proposed for the site. If applicable, this shall include a description of the method to be sure this material does not get into the surrounding area.
  - c) A description of any existing contamination on-site. This should include a description of the nature of the contamination on-site and what will be done on this project to mitigate or contain it, including the proposed methodology and any state or federal regulatory agency reviews that may apply. If the project includes work that may disturb or displace existing contaminated soils or water, this should include a description of proposed methods to contain and/or dispose of the generated waste.
  - d) If the proposed project will impact any coastal areas or floodplain or involve riparian work along adjacent waterways, a description of the

proposed work and the methodology proposed to protect waterways shall be provided.

- e) A description of the existing soils on-site and a statement as to the suitability of these soils for the proposed use.
- f) A description of any historical or archeological significance associated with the site. If any such areas are present, this shall include a description of methods to protect and preserve any historical or archeological resources.
- g) A description of any emissions from the proposed development as it relates to air quality. If any emissions are proposed, this shall include a description of each constituent and the effects of each constituent to nature and human life.
- h) A description of any hazardous materials or waste to be stored on-site. This shall include a description of proposed methods to contain such materials and prevent any migration into adjoining soils or groundwater or into the atmosphere.
- i) A description of any stormwater or process water discharges from the site. This shall include a characterization of such discharge in terms of the quantity, quality, and chemical constituents and temperature and a description of the possible effects this discharge may have on the receiving waters.
- j) If a Federal, State or local regulatory authority has conducted an Environmental Assessment, Environmental Impact Statement, preliminary assessment/site inspection, or environmental survey of the site, a brief description of the findings and provide a copy of the report or results.
- k) A description of the anticipated noise levels to be generated at all property lines of the proposed use. This shall include a description of measures proposed to mitigate noise.
- l) A description of off-site impacts from odors or lighting and measures to mitigate such effects.
- m) A description of the anticipated traffic to be generated by the proposed use.
- n) A description of plans for site restoration after construction.
- o) A description of methods to handle sanitary waste for the project both during construction and after completion.
- p) A description of how potable water will be provided to the site. If any on-site wells are proposed or any lake-draw systems are proposed for the

project, this shall include a description of the type of well or lake-draw system, and regulatory requirements that may apply, and the status of such regulatory approval.

q) A description of any additional items as needed to describe the potential environmental impacts of the proposed project.

r) Chain of title history from the abstract company detailing easements, deed restrictions or other encumbrances.

4. The individual preparing the Environmental Assessment must sign and seal (if prepared by a registered engineer, land surveyor, community planner or landscape architect) the submitted document.
5. The Zoning Administrator may submit the study to a recognized consultant(s) in the field for review and independent comment. The cost of any such review shall be borne by the applicant.

B. Traffic Impact Study. The Planning Commission may require that a traffic impact study be completed by either a licensed engineer or AICP-certified planner as an attachment to a Site Plan submitted for any development in the Village meeting the requirements of this Section. The purpose of this Section is to set forth the standards to be used by the Planning Commission in requiring the submission of such a traffic impact study, the required minimum content of such a study, and the standards and procedures for the review of its findings.

1. **Description.** A traffic impact study shall include an analysis of the existing traffic conditions on the roadway network in the vicinity of a proposed project, including any accident history, average speeds, average daily and peak hour traffic volumes, and levels of service of all key roadway segments and intersections. The study shall further indicate the effect of a proposed development on adjacent roadways and intersections and indicate the anticipated points of origin, direction, and volume of traffic flow to and from the proposed development. The study shall be prepared by either a registered professional engineer (P.E.) or transportation planner with at least five (5) years of experience preparing traffic impact studies in Michigan. The study shall include a summary of the qualifications and documented experience of the author and specifically describe the previous experience in preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design recommendations, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
2. **Criteria for Requiring a Traffic Impact Study.** The Zoning Administrator may recommend, and the Planning Commission may require that a traffic impact

study be prepared as an attachment to a Site Plan for any proposed commercial, industrial, residential or mixed-use development which has the potential to significantly increase traffic volumes in the surrounding roadway network. In determining the level of potential impact, the Zoning Administrator or Planning Commission shall consult appropriate planning and engineering texts, including, but not limited to, Trip Generation, published by the Institute of Transportation Engineers, and may seek the counsel of other professionals with experience with developments similar to that proposed. A traffic impact study may be required under this Section when, in the judgment of the Zoning Administrator or Planning Commission, the proposed development will result in either an increase of either the average daily traffic or the peak hour traffic equal to or greater than ten (10) percent of the current traffic volume on the adjoining roadway or other significant traffic impacts on local roadways.

3. Required Study Content. In general, a required traffic impact study shall document existing conditions on the existing roadway network, including all intersections within one (1) mile of the proposed development, including average daily traffic and peak hour volumes in all directions, existing turning movements, and levels of service, average traffic speeds and accident history. Existing pedestrian and non-motorized traffic volumes shall also be estimated. The traffic impact study shall project the impact of the proposed development on the roadway network, including all intersections within one (1) mile of the proposed development, including projected average daily traffic and peak hour volumes in all directions, anticipated turning movements, and anticipated levels of service. Anticipated impacts on pedestrian and non-motorized traffic volumes shall also be projected. The following specific elements shall be addressed in a required traffic impact study unless specifically waived by the Planning Commission:
  - a) A narrative summary at the beginning of the report, including, but not limited to:
    - i) The applicant and project name.
    - ii) location maps.
    - iii) The size and type of development.
    - iv) Generated traffic volumes based on type and size of land use which are compatible with those listed in the Institute of Transportation Engineers – publication Trip Generation (current edition).
  - b) Project phasing identifying the year of development activities per phase and proposed access plan for each phase.



- c) A transportation system inventory, which describes the physical, functional and operational characteristics of the study area highway system and, where appropriate, locates transit services. The description should provide, where pertinent, data on:
  - i) Peak-hour volumes for both AM and PM usage (existing and projected).
  - ii) Number of lanes existing and proposed.
  - iii) Cross-section of the roadway construction.
  - iv) Intersection traffic control regulations.
  - vi) Percentage of large vehicles of the AADT.
  - vii) Adjacent access point locations.
  - viii) Jurisdiction of roadways.
- d) Plans showing proposed roadways per phase for each access. Driveway design and roadway improvements shall meet the adopted design standards for the entity with jurisdiction for said roadway.
- e) Evaluation and Criteria. As a general criterion, the existing roadway network and all access points to a proposed development shall be demonstrated to be fully capable of accommodating the increased average and peak hour traffic anticipated. In the event the anticipated level of service on any roadway segment or intersection is shown to decline, the traffic impact study shall present alternative approaches proposed to manage anticipated traffic without such decline.
- f) The Village Engineer, Planner and/or an independent traffic engineer or transportation planner may be asked to review and comment on any traffic impact study prepared pursuant to this Section. The cost of any such review shall be borne by the applicant.

## **7. Regulations.**

- A. No grading, removal of trees or other vegetation, landfilling, or construction of improvements shall commence for any development which requires a Site Plan approval until an approved Site Plan has been signed by the Chairman of the Planning Commission.
- B. The Village (Council, Zoning Administrator, or other officials) shall not issue a zoning permit for any use requiring Site Plan approval until Site Plan the Chairman of the Planning Commission has signed an approved Site Plan.

- C. The building inspector shall not issue a building permit for any use requiring Site Plan approval until the Chairman of the Planning Commission has signed an approved Site Plan.
- D. Approved Site Plans shall expire one year from the date of approval unless a building permit has been issued and construction commenced. This time frame may be extended by the Planning Commission upon the written request of the applicant for one six-month period.
- E. Failure to comply with the reporting requirements of Michigan's Firefighters Right to Know Law, or reporting requirements for Extremely Hazardous Substances, shall be deemed to be a violation of an approved Site Plan.

**8. Amendments & Modifications of Approved Site Plans.** The applicant, or the applicant's agent, may request a change in an approved Site Plan. A change in an approved Site Plan which results in a major change, as defined herein, shall require the submission of a plan amendment to the Planning Commission. Amendments shall follow the procedures and conditions required for the original plan, and may be approved or denied by the Planning Commission in whole or in part. A change that is not a major change, as defined herein, shall not require a revision of the original Site Plan and may be approved by the Zoning Administrator.

- A. A request to change an approved Site Plan shall be made in writing to the Zoning Administrator. The request shall clearly state the reasons for the change. Reasons may be based on considerations such as changing social or economic conditions, improvements in design features, modifications to the site, unforeseen difficulties, or other conditions which would be mutually beneficial to the applicant and the Village.
- B. The Zoning Administrator shall review the request and notify the applicant and Chairman of the Planning Commission in writing as to whether the proposed change is a major change. Major changes to approved Site Plans include any of the following modifications:
  - 1. A change in the overall concept of the applicant or developer.
  - 2. A change in the use or character of the development.
  - 3. An increase of 3 or more dwelling units.
  - 4. An increase of non-residential floor area of 10% or more.
  - 5. An increase of 10 or more off-street parking spaces.
  - 6. The rearrangement of lots, blocks, and building tracts.
  - 7. A change in the location or character of any street.
  - 8. A reduction or the relocation in the amount of space set aside for common areas, landscaping, or greenbelts.

9. The addition of any structure(s) with a footprint equal to or greater than 500 square feet.
  10. The exterior placement or storage of raw materials, finished product, merchandise, goods for sale, or equipment originally proposed to be located inside a structure.
  11. The reconfiguration, addition, or deletion of loading and unloading areas.
- C. All modifications approved by the Zoning Administrator or Planning Commission shall be documented during the construction process. Upon the completion of the development, the applicant shall submit a final revised Site Plan incorporating the changes approved in the process to show a final “as built” representation of the site and structures.

## PLANNED UNIT DEVELOPMENT

- 1. Purpose.** The purpose of this Chapter is to create provisions for the submission, review, and approval of applications for a Planned Unit Development (PUD). This Chapter authorizes the use of the PUD to encourage the development of land, conservation of natural resources, and support innovative planning practices. This Section implements the provisions of Public Act 110 of 2006, as amended, allowing regulatory flexibility in consideration of the proposed development with the Village limits consistent with Village's Master Plan. It is the intent of this Chapter to allow the standards of the zoning code to be modified, waived, decreased, or increased by the Planning Commission in approving a PUD project consistent with the following goals:

  - A. To provide flexibility in the regulation of land development.
  - B. To encourage innovation in site planning and development, with an emphasis on housing.
  - C. To encourage the mixing of commercial, educational, recreational, and civic uses and facilities in locations conveniently located for housing.
  - D. To conserve natural features and encourage the preservation of open space.
- 2. PUD Eligibility.** A PUD may be applied for in any zoning district. Any land use or structure authorized in the zoning code may be included in a PUD application, subject to adequate health, safety, and welfare protection controls being designed into the development. An application for a PUD shall successfully demonstrate all of the following conditions:

  - A. The granting of a PUD will accomplish a recognizable and material benefit to the project's end-users, and the community in general would otherwise be unfeasible or unlikely without utilizing this Chapter.
  - B. The granting of a PUD accomplished the long-term protection or preservation of natural resources and features of a significant quantity or quality.
  - C. If an existing non-conforming use, structure, or parcel is to be included in the PUD, the non-conforming item shall be rendered more conforming to the zoning code.
  - D. The proposed type and density of the development will not result in an unreasonable increase in the need for public services or utilities.
  - E. The proposed type and density of the development will not place an unreasonable burden upon the nearby existing parcels, uses, and natural environment.

- F. The proposed type and density of the development are consistent with the Village's Master Plan.
- G. The proposed type and density of the development will not cause a substantial adverse economic impact burden upon the nearby existing parcels, uses, and natural environment.
- H. The proposed type and density of the development will be under single ownership and control such that there is a single person having responsibility for completing the project in conformity with this Chapter.
- I. The PUD contains at least two (2) or more separate and distinct uses, for example, detached single-family dwellings and attached single-family dwellings.

**3. Project Design.** Proposed PUD projects shall comply with the following design standards:

- A. A PUD shall comply with the perimeter setbacks specified in the underlying zoning district.
- B. The distance between structures shall be based on sound planning and design practices, taking into account the need for free access for emergency vehicles and personnel and an adequate amount of light and air between buildings.
- C. Landscaping shall comply with Chapter 1282 of the zoning code.
- D. Fencing shall comply with Chapter 1224 of the zoning code.
- E. A PUD containing residential uses shall designate at least ten percent (10%) of the site's gross area for common use by the residential occupants of the project.
- F. A PUD shall have frontage for ingress/egress on a paved public road.
- G. Stormwater management shall comply with Chapter 1284 of the zoning code.
- H. All proposed utility, cable, internet, telephone, electrical, and other such service lines shall be located below ground.
- I. Drainage for drives, streets, and parking areas shall be directed to allow for natural filtration before entering into stormwater detention areas.
- J. Internal drives that are intended to service non-residential uses or more than a dozen dwelling units shall be designed and constructed to the Village's local street standard.
- K. In cases where non-residential uses are sited adjacent to residentially zoned property, noise reduction and visual screening devices such as earthen landscaped berms or decorative walls shall be utilized.

#### 4. PUD Application, Review, and Approval Procedure.

##### A. Review Process.

1. Pre-Application Conference. A pre-application conference with the Zoning Administrator shall be mandatory in all PUD applications.
2. Preliminary Site Plan Submittal. Before the submission of an application for PUD approval, the applicant shall submit to the Planning Commission a preliminary site plan of the proposed PUD, as well as the following information:
  - a) A recent map of the site reflecting area size and boundary line dimensions, and the total number of acres in the project.
  - b) A statement of the character and number of residential units, if any, the number and type of non-residential units, the number of acres to be occupied by each type of use, and the expected final population of the proposed PUD
  - c) The known deviations from zoning code regulations are to be sought.
  - d) The number of acres to be preserved as open or recreational space.
  - e) All known natural resources and natural features are to be preserved.
  - f) Circulation patterns including pedestrian walkways, internal drives, and public streets.
  - g) Any proposed public or common-use areas, including schools, parks, open space, etc.
  - h) The existing and proposed land uses and their approximate locations.
  - i) Existing topographic character of the site.
  - J) Existing floodplains, bodies of water, and other unbuildable areas.
3. Preliminary Planning Commission Review. The Planning Commission shall review the preliminary materials and shall be entitled to make reasonable inquiries and receive answers from the applicant. Following the review, the Planning Commission shall provide the applicant with written comments included in the official minutes of the meeting.
4. Completed Application. Within six (6) months of the Planning Commission's preliminary review, an applicant shall submit a completed PUD application to the Zoning Administrator. A completed PUD application shall be accompanied by the required application fee established by the Village Council, a Detailed Site Plan as established by Chapter 1274 of the zoning code, and at a minimum, the following additional items:
  - a) A detailed narrative description of the applicant's intent and objectives

(physical, social, and environmental).

- b) A certified boundary survey and legal description of the property.
- c) A statement of present ownership of all land contained in the PUD.
- d) Development staging.
- e) Estimated impact of the proposed development on roads, schools, and utilities, including water and sewer, fire protection, and emergency services.
- f) If applicable, waste emissions and methods of handling smoke, dust, noise, odors, liquid and solid wastes, and vibrations.
- g) Stormwater management facilities and practices are being employed to meet the Project Design requirements of Section 3 of this Chapter.
- h) Illustrations and examples of fences and lighting fixtures.
- i) Proposed agreements, covenants, deed restrictions, or other provisions are being proposed to govern the use, maintenance, and continued protection of the PUD and any of its common use and open areas.
- j) If a community potable water or on-site wastewater collection and treatment infrastructure are required to be developed to service the PUD, engineering plans, drawings, and operation and maintenance procedures shall be included.

#### B. Decisions.

1. If, after conducting a public hearing, the Planning Commission determines that the PUD application is consistent with the intent of this Chapter and with the other standards and requirements herein contained, it shall adopt a resolution approving the proposed PUD in accordance with the application and material submitted, or approving the proposed PUD in accordance with the application and material submitted and subject to any conditions that the Planning Commission believes are necessary to carry out the intent and standards of this Chapter.
  2. If the Planning Commission determines that the PUD application is not consistent with the intent of this Section, it shall adopt a resolution denying the application.
  3. In either event, the decision of the Planning Commission shall recite the findings of fact and the reasons upon which it is based.
- 5. Conditions.** Reasonable and appropriate conditions may be required by the Planning Commission to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources. Conditions imposed shall be designed to protect natural resources, land, and energy, ensuring compatibility with adjacent land uses

and promoting land use in a socially and economically desirable manner. The public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole, shall be reasonably related to the purposes affected by the PUD and shall be necessary to meet the intent and purpose of this Chapter, and be related to the objective of ensuring compliance with the standards of the zoning code. All conditions imposed shall be made a part of the record of the approved PUD.

**6. Development Phasing.**

- A. Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space and shall contain the necessary components to ensure the protection of natural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area.
- B. Commencement and Completion of Construction. Construction shall be commenced within one (1) year following final approval of a PUD or within one (1) year of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. Each phase of the project shall be commenced within one (1) year of the schedule established in the submitted application. If construction is not commenced within such time, any approval of a Site Plan on the project shall expire and be null and void provided the Planning Commission may grant an extension for a specified period upon good cause shown if such request is made to the Commission before the expiration of the initial period.

- 7. Performance Bonds.** Performance bonds relating to the PUD may be used to ensure that necessary facilities are constructed, and conditions are met. These bonds may coincide with a phasing program. Both the phasing program and performance bonds shall be established by the Planning Commission. The minimum amount of the bonds shall be \$1,000 per acre, although the Planning Commission has the discretion of increasing this amount if conditions warrant.

**8. Amendments.** An approved PUD may be amended as follows:

- A. Minor amendments. Minor amendments are those which will have no foreseeable effect beyond the property boundary, such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways and parking areas. The Zoning Administrator may authorize minor amendments for a good cause, provided no such changes shall increase the size or height of structures, reduce the efficiency or number of public facilities



- serving the PUD, reduce usable open space, alter the land uses proposed, or infringe on natural features proposed by the plan to be protected.
- B. **Major amendments.** Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be reviewed and authorized by the Planning Commission according to the procedures authorized by this Section for approval of a PUD.
- 9. Termination.** The Planning Commission may rescind an approved PUD for violation of the approved conditions by the applicant, its successors, agents, or assigns after notice to the current owners and occupiers of the PUD area and after a hearing on the violation. Upon termination of an approved PUD, the zoning requirements shall revert to the current requirements for the zoning district designated for the property before the order.

## SITE CONDOMINIUMS

- 1. Purpose.** The intent of this Chapter is to regulate the division and development of land under the Condominium Act (PA 59 of 1978, as amended) so that the development is comparable in quality of design to property divided and developed by other methods.
- 2. Review Requirements.** In order to ensure compliance with this Chapter, site condominium developments shall go through the Site Plan review process, including developments consisting solely of detached single-family or duplex residences that may otherwise not be required to prepare a Site Plan if developed on an existing parcel. In addition to the information required in Chapter 1274, all applicants for a site condominium shall submit the following information accompanying a Detailed Site Plan:

  - A. A copy of the proposed condominium master deed.
  - B. A copy of the proposed condominium subdivision plan (this may replace the Site Plan normally required for Site Plan review).
  - C. A copy of the proposed condominium by-laws.
- 3. Zoning Code Standards.**

All site condominium developments and structures shall comply with the use, size, height, area, setback, lighting, stormwater, landscaping, and signage regulations of the zoning district in which the development is located. For the purpose of this Chapter, an individual unit in a site condominium shall be considered a single lot and shall comply with the requirements of a single lot in the zoning district in which it is located.
- 4. Survey Requirements.** Site condominiums shall comply with the following requirements:

  - A. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within their traveled portion of a street to mark angles in the boundary of the subdivision if the angles points can be readily reestablished by reference to monuments along the sidelines of the streets.
  - B. All monuments used shall be made of solid iron or steel at least ½ inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
  - C. Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of

- the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at the points of curvature, points of reverse curvature and angle points in the sidelines of streets and alleys; and at all angles of an intermediate traverse line.
- D. If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby, and the precise location thereof be clearly indicated on the plat and referenced to the true point.
  - E. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least ½ inch in diameter, shall be drilled and grouted into solid rock to a depth of at least 8 inches.
  - F. All required monuments shall be placed flush with the ground where practicable.
  - G. The corner of each area consisting of a unit and the associated limited common area reserved for that unit and treated as a "lot" under this Chapter shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and ½ inch diameter, or other approved markers.
  - H. The Village Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the Village cash or a certified check or irrevocable bank letter of credit running to the Village, whichever the proprietor selects, in an amount not less than \$100.00 per monument and not less than \$400.00 in total, except that lot corner markers shall be at the rate of not less than \$25.00 per markers. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the Village shall promptly require a surveyor to locate the monuments and markers in the grounds as certified on the plat, at a cost not to exceed the amount of the security deposit, and shall pay the surveyor.
- 5. Site condominium Design Standards.** Proposed Site condominium projects shall comply with the following design standards:
- A. The distance between structures shall be based on sound planning and design practices, taking into account the need for free access for emergency vehicles and personnel and an adequate amount of light and air between buildings, and shall be designed to meet all required setbacks.
  - B. Landscaping shall comply with Chapter 1282 of the zoning code.
  - C. Fencing shall comply with Chapter 1224 of the zoning code.

- D. At least ten percent (10%) of the site's gross area shall be dedicated to the non-parking common area for use by the owners of units in the project.
  - E. The development shall have frontage for ingress/egress on a paved public road.
  - F. Stormwater management shall comply with Chapter 1284 of the zoning code.
  - G. All proposed utility, cable, internet, telephone, electrical, and other such service lines shall be located below ground.
  - H. Drainage for drives, streets, and parking areas shall be directed to allow for natural filtration before entering into stormwater detention areas.
  - I. All units shall have frontage on a paved public road constructed to, at a minimum, the Village's local street standard.
- 6. Site condominium Application, Review, and Approval Procedure.**
- A. Review Process.
- 1. Pre-Application Conference. A pre-application conference with the Zoning Administrator shall be mandatory in all site condominium applications.
  - 2. Preliminary Site Plan Submittal. Before the submission of an application for site condominium approval, the applicant shall submit to the Planning Commission a preliminary site plan of the proposed site condominium, as well as the following information:
    - a) A recent map of the site reflecting area size and boundary line dimensions and total number of acres in the project.
    - b) A statement of the character and number of residential units, if any, the number and type of non-residential units, and the number of acres to be occupied by each type of use, and the expected final population of the proposed site condominium.
    - c) The number of acres to be preserved as open or recreational space.
    - d) All known natural resources and natural features to be preserved.
    - e) Circulation patterns including pedestrian walkways, internal drives, and public streets.
    - f) Adjacent land uses and their approximate locations.
    - g) The existing topographic character of the site.
    - H) Existing floodplains, bodies of water, and other unbuildable areas.
  - 3. Preliminary Planning Commission Review. The Planning Commission shall review the preliminary materials and shall be entitled to make reasonable

inquiries and receive answers from the applicant. Following the review, the Planning Commission shall provide the applicant with written comments included in the official minutes of the meeting.

4. Completed Application. Within six (6) months of the Planning Commission's preliminary review, an applicant shall submit a completed site condominium application to the Zoning Administrator. A completed site condominium application shall be accompanied by the required application fee established by the Village Council, a Detailed Site Plan as established by Chapter 1274 of the zoning code, and at a minimum, the following additional items:
    - a) A statement of present ownership of all land contained in the site condominium.
    - b) Development staging.
    - c) Estimated impact of the proposed development on roads, schools, and utilities, including water and sewer, fire protection, and emergency services.
    - d) If applicable, waste emissions and methods of handling smoke, dust, noise, odors, liquid and solid wastes, and vibrations.
    - e) Stormwater management facilities and practices being employed to meet the Project Design requirements of Section 3 of this Chapter.
    - f) Illustrations and examples of fences and lighting fixtures.
    - g) Proposed agreements, covenants, deed restrictions, or other provisions being proposed to govern the use, maintenance, and continued protection of the site condominium and any of its common use and open areas.
    - h) If a community potable water or on-site wastewater collection and treatment infrastructure are required to be developed to service the site condominium, engineering plans, drawings, and operation and maintenance procedures shall be included.
- B. Decisions.
1. If, after conducting a public hearing, the Planning Commission determines that the site condominium application is consistent with the intent of this Chapter and with the other standards and requirements herein contained, it shall adopt a resolution approving the proposed site condominium in accordance with the application and material submitted, or approving the proposed site condominium in accordance with the application and material submitted and subject to any conditions that the Planning Commission believes are necessary to carry out the intent and standards of this Chapter.

2. If the Planning Commission determines that the site condominium application is not consistent with the intent of this Section, it shall adopt a resolution denying the application.
  3. In either event, the decision of the Planning Commission shall recite the findings of fact and the reasons upon which it is based.
  4. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space and shall contain the necessary components to ensure the protection of natural resources and the health, safety, and welfare of the owners of individual units within the site condominium and the residents of the surrounding area.
- 7. Conditions.** Reasonable and appropriate conditions may be required by the Planning Commission to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources. Conditions imposed shall be designed to protect natural resources, land, and energy, ensuring compatibility with adjacent land uses and promoting land use in a socially and economically desirable manner. The public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole, shall be reasonably related to the purposes affected by the site condominium and shall be necessary to meet the intent and purpose of this Chapter, and be related to the objective of ensuring compliance with the standards of the zoning code. All conditions imposed shall be made a part of the record of the approved site condominium.
- 8. Performance Bonds.** Performance bonds relating to the site condominium may be used to ensure that necessary facilities are constructed, and conditions are met. These bonds may coincide with a phasing program. Both the phasing program and performance bonds shall be established by the Planning Commission. The minimum amount of the bonds shall be \$1,000 per acre, although the Planning Commission has the discretion of increasing this amount if conditions warrant.
- 9. Amendments.** An approved site condominium may be amended as follows:
- A. Minor amendments. Minor amendments are those which will have no foreseeable effect beyond the property boundary, such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways and parking areas. The Zoning Administrator may authorize minor amendments for a good cause, provided no such changes shall increase the size

or height of structures, reduce the efficiency or number of public facilities serving the site condominium, reduce usable open space, alter the land uses proposed, or infringe on natural features proposed by the plan to be protected.

- B. Major amendments. Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be reviewed and authorized by the Planning Commission according to the procedures authorized by this Section for approval of a site condominium.

**10. Termination.** The Planning Commission may rescind an approved site condominium for violation of the approved conditions by the applicant, its successors, agents, or assigns after notice to the current owners and occupiers of the site condominium area and after a hearing on the violation. Upon termination of a site condominium, the zoning requirements shall revert to the current requirements for the zoning district designated for the property before the order.

## LIGHTING STANDARDS

1. **Purpose.** The purpose of this Chapter is to protect residents and the surrounding environment from the adverse effects of light pollution. It is further the intent of this Chapter to promote energy-efficient and sustainable lighting practices. It is the goal of this Chapter to limit the adverse off-site impacts from new and existing lighting installations.
2. **Applicability.** The regulations contained in this Chapter shall apply to new development and new lighting after the effective date of this Chapter in the following zoning districts:
  - A. Coldwater Business
  - B. Neighborhood Mixed-Use
  - C. Airport Commercial
  - D. Open Space Recreational
  - E. Research & Light Manufacturing
  - F. Medium Density Residential
3. **New & Existing Installations.** Exterior lighting shall be installed so that the light source will be sufficiently obscured to prevent glare on public roads and light trespass in commercial or residential areas. Exterior lighting shall be comprised of a light source and reflector so that, acting together, the light beam is controlled, directed downward, not aimed up or across a property line, and is compatible with the surrounding environment.
  - A. **New Installations.** All exterior lighting installed after the effective date of this Chapter shall conform to the standards set forth herein.
  - B. **Existing Installations.** All outdoor lighting installed prior to the effective date of this Chapter shall be considered grand-fathered. All exterior light fixtures must be replaced or retrofitted to bring it into compliance with the applicable standards of this Chapter upon the application of zoning compliance or a building permit for any modification, repair, improvement and/or alteration to a structure, fixture, building, property and/or use.
    1. When more than 50% of existing, on-site lamp fixtures are to be replaced, repaired, or modified, all existing, on-site lamp fixtures shall fully comply with this Chapter.
    2. Any fixture which provides a means of aiming or glare control shall be re-aimed or retrofitted to bring it into compliance immediately.



3. Owners of grand-fathered fixtures and installations may be required to bring said fixtures and installations into compliance with this Chapter if a fixture is deemed to be a nuisance.
4. **General Standards.** All new, retrofitted and/or modified outdoor lighting that is installed in the Village of Lake Isabella subject to this Chapter shall be the minimum necessary, in both the number of luminaries and intensity of light, to achieve the intended purpose of the lighting, and shall meet the following standards, as relevant:
  - A. All exterior lights and sign illumination shall be designed, located, installed, and directed in such a manner as to:
    1. Prevent glare and light trespass,
    2. Be shielded to the extent possible to confine the light within the target area.
  - B. In all areas adjacent to residential property, no externally mounted, direct light source shall cause light trespass at the property line.
  - C. To reduce off-site glare, lighting fixtures for all parking and pedestrian areas shall be:
    1. Full cut-off type fixtures, or
    2. Fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
  - D. Lighting fixtures for building security or aesthetics and any display purposes shall be:
    1. Top downward (not upward or sideways), and
    2. Full cut-off or fully shielded/recessed.
  - E. Lighting for site security shall be configured for motion or infrared sensor operation, except in the case of lighting required by state or federal safety standards.
  - F. In all zoning districts where outdoor playing fields, driving ranges, or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that the lighting fixture's beams fall within the primary playing area, immediate surroundings, or other site amenities.
  - G. The height of luminaries, except streetlights in public rights-of-way, shall be the minimum necessary to provide adequate illumination. Luminaries attached to the building shall be limited to the height necessary for illumination of entrances or locations not served by pole lighting.

- H. All non-security exterior lighting shall be controlled by either a timer or photoelectric switch to be turned off during hours when a business is unoccupied.
- I. Outdoor sales and gas station service canopy lighting shall be aimed downward and installed such that the center of the fixture's luminous opening is recessed into the canopy ceiling. All lighting from the canopy must be substantially confined to the ground area directly beneath the canopy's perimeter. All exterior lighting for canopies and/or service areas shall be indirect, emanating only from fixtures located under canopies, under eaves on the principal building, or at ground level in the landscaping. Exterior lighting shall be arranged and shielded so there shall be no glare or reflections onto adjacent properties or street rights-of-way.
- J. Architectural and landscape lighting shall comply with the following:
  - 1. All fixtures shall be aimed and/or shielded to illuminate only the target area such that no stray light from the luminaire passes above the horizontal plane.
  - 2. Upward-aimed facade and building lighting shall be fully shielded and fully confined from projecting into the sky by the building eaves, roofs, overhangs, or structures and shall be mounted as flush with the illuminated wall as possible.
  - 3. All lighting not required for safety or by the Isabella County Building Code shall be controlled by either a timer or photoelectric switch to be turned off during the hours when a business is unoccupied.

## LANDSCAPING STANDARDS

1. **Purpose.** The purpose of this Chapter is to create minimum landscaping standards for specific development projects to preserve the character of the Village of Lake Isabella, maintain property values, and proper environmental stewardship by requiring native plant species.
2. **Applicability.** The regulations contained in this Chapter shall apply to new development or changes to existing developed parcels that are subject to Site Plan review after the effective date of this Chapter.
3. **Standards.** The Planning Commission may add additional landscaping and/or privacy fencing during Site Plan review above the minimum requirements of this Chapter if it finds that such is needed to properly screen development from adjacent parcels. As a minimum, the following standards shall be required for any project subject to this Chapter: :
  - A. General Landscaping Standards.
    1. All areas not covered by structures, parking areas, drives, sidewalks, plazas, decks, or other impervious surfaces shall be planted with living vegetation unless such area is designed and intended to be in a non-vegetative state.
    2. All landscape planting areas shall be stabilized and maintained with seed, sod, mulches, or other approved materials to prevent soil erosion.
    3. All required planting is to occur within nine months of the date of development approval. If the project is completed during a time of year when planting is impractical, a performance bond or surety shall be provided to the Village.
    4. Nothing contained herein shall prevent the seasonal wrapping of trees and shrubs after the first growing season.
    5. Existing healthy, well-formed trees and shrubs on the approved plantings list may be credited towards the requirements of this section provided such vegetation is identified on the site plan, protected from harm during development, located in appropriate places, and maintained in a healthy growing condition.
  - B. Maintenance.
    1. The property owner shall be responsible for maintaining all landscaped areas, including those within the public right-of-way.
    2. Lawns and landscaped areas shall be maintained in a substantially weed-free manner.

3. Plants shall be controlled by pruning, trimming, or other suitable methods so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or cause a traffic hazard.

C. Plant Requirements.

1. All plant material shall be hardy to the Lake Isabella area.
2. All plant material shall be free from disease and insects.
3. Landscaping shall not include more than 33% of any single plant species. At least 75% of new plantings shall be native to Michigan.
4. The trees listed below are prohibited trees and plant species with respect to meeting landscaping requirements. Under no circumstances shall the following be used or maintained as credit toward the landscaping requirements of this Chapter.

- |                   |                  |
|-------------------|------------------|
| • Ash             | • Female Gingko  |
| • Cottonwood      | • Russian Olive  |
| • English Elm     | • Apple          |
| • American Elm    | • Cherry         |
| • Cedar Elm       | • Box Elder      |
| • Siberian Elm    | • American Beech |
| • Norway Maple    | • Red Cedar      |
| • Lombardy Poplar | • Black Walnut   |

5. The trees listed below, which are native to Michigan, should be given priority when selecting landscaping species.

- |                   |               |
|-------------------|---------------|
| • Black Maple     | • Jack Pine   |
| • Silver Maple    | • Red Pine    |
| • Sugar Maple     | • White Oak   |
| • Yellow Birch    | • Red Oak     |
| • Paper Birch     | • Pin Oak     |
| • Sassafras       | • Black Oak   |
| • River Birch     | • Bur Oak     |
| • Kentucky Coffee | • Honeysuckle |
| • White Spruce    | • Honeylocust |

6. Plant size requirements.

- a) Canopy/Shade trees shall have a trunk caliper of at least 2 ½ inches at 48 inches above finished grade at the time of planting
- b) Ornamental trees shall have a trunk caliper of at least 2 inches at 48 inches above the finished grade at the time of planting.

- c) Evergreen trees shall be at least 60 inches in height above the finish grade at the time of planting.
- d) Shrubs shall be at least 30 inches in height above the finished grade at the time of planting

## STORMWATER MANAGEMENT

- 1. PURPOSE.** The Village's regulation of stormwater intends to reduce the risk of flooding that is a danger to life and property, minimize the deterioration of existing watercourses, prevent harm to surface waters, eliminate free discharge into surface ditches, and require stormwater management to be incorporated into site design for new developments and revisions to existing developments. The preferred method for managing stormwater is to utilize Low Impact Development (LID) strategies that emphasize the use of natural site features along with small-scale engineered facilities that attempt to replicate natural hydrological patterns while retaining stormwater onsite. LID represents a stormwater management strategy that is particularly effective for water quality treatment, and stormwater flow control by managing stormwater as close to the source as possible.

The Village of Lake Isabella finds that uncontrolled drainage has a significant impact on the community and environment. More specifically:

- A. Stormwater runoff can carry pollutants into receiving water bodies, degrading water quality.
- B. The increase in nutrients, such as phosphorus and nitrogen, accelerates the eutrophication of receiving waters, adversely affecting flora and fauna.
- C. Improperly channeling water increases the velocity of runoff, thereby increasing erosion and sedimentation.
- D. Siltation of water bodies resulting from increased erosion decreases their capacity to hold and transport water, interferes with navigation, and harms flora and fauna.
- E. Impervious surfaces increase the volume and rate of stormwater runoff, inhibiting percolation into the soil, and thereby decreasing groundwater recharge.
- F. Improperly managed stormwater runoff can increase the incidence of flooding and the level of floods that occur, endangering property and human life.
- G. Many future problems can be avoided if land is developed following sound stormwater runoff management practices.

The goal of this Chapter is to establish reasonable regulations that require new development to account for and manage stormwater onsite. Doing so is intended to reduce the hazards to public health and safety caused by unregulated stormwater runoff. It is further the goal of this Chapter to avoid placing demands on public resources for the management of stormwater due to new development and to bring

existing development into conformity with these standards as such sites are further developed.

2. **APPLICABILITY.** The requirements in this Chapter shall apply to new development that is subject to Site Plan review after the effective date of this Chapter.
3. **STORMWATER MANAGEMENT STANDARDS.**
  - A. Stormwater storage and/or infiltration structures that protect water quality and minimize flooding required; this Chapter may include but are not limited to detention basins, retention basins, infiltration trenches, swales with check dams, and other facilities.
  - B. Stormwater management conveyance, storage, and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.
  - C. Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners. Stormwater from upstream and off-site locations using existing drainage features shall be conveyed around or through the site or may be stored onsite.
  - D. Drainage systems shall be designed to protect public health and safety and be visually attractive.
  - E. Detention basins and conveyance systems shall be designed to safely control and accommodate on-site runoff from the maximum calculated volume from a 25-year event storm as calculated by the formula in Section 6 of this Chapter.
  - F. Detention basins shall be constructed with the top of banks a minimum of ten feet from any pedestrian walkway or parking area. The Planning Commission may require fencing around the basin if there are nearby uses that cluster people such as schools, daycares, and assisted living facilities.
4. **STORMWATER BEST MANAGEMENT PRACTICES (BMPs)**
  - A. Cisterns and Rain Barrels may be used to capture and recirculate stormwater from buildings.
  - B. Trees should be planted below the grade of impervious surfaces.
  - C. Rain Gardens and Bioswales should be installed to infiltrate runoff from parking lots and other impervious surfaces.
  - D. Where vegetative solutions are not feasible, porous concrete or pavers should be used from sidewalks, parking lots, and similar areas to allow for infiltration.
  - E. Landscaping shall consist primarily of native species requiring minimal irrigation, fertilization, and maintenance.

- F. Native plant perennial landscapes should replace turfgrass wherever possible and be highly diverse. Such areas should be placed lower than walkways and parking lots, and not mounded up.
  - G. Planter boxes should be bottomless, flow-through designed with native plants, placed next to buildings, and intended to capture runoff from buildings. They may be in courtyards or adjacent sidewalks with runoff sent to them via French drains, hidden pipes, or cisterns.
  - H. Soil disturbance on the site during development should be limited to not more than 60% of the site's total area.
- 5. STORMWATER MANAGEMENT ACCEPTABLE STRATEGIES.** The list of items below shall be the acceptable strategies and features that may be utilized to manage onsite stormwater for parcels and new development in the Village of Lake Isabella, which are subject to this Chapter.
- A. Parking Areas & Other Hard Surfaces
    1. Compacted Earth
    2. Crushed Stone
    3. Crushed/Recycled Concrete or Asphalt
    4. Pavers
    5. Pervious Concrete or Asphalt
    6. Pervious Pavers
    7. Asphalt or Concrete
    8. Stamped Asphalt or Stamped Concrete
    9. Pea Gravel
  - B. Channeling Runoff
    1. Terracing
    2. Vegetative or Bioswale
    3. Stone/Riprap Channel
    4. Soakaway Trench
    5. French drain
    6. Concrete piping
    7. Gutters
  - C. Stormwater Storage
    1. Irrigation Pond
    2. Retention Basin with Sloped Bank
    3. Retention Basin with Fence



4. Detention Pond
  5. Vegetative Purification Bed
  6. Retention Pond
  7. Cisterns & Rain Barrels
- D. Stormwater Filtration
1. Constructed Wetlands
  2. Filtration Pond
  3. Shallow Marsh
  4. Surface Landscapes
  5. Natural Vegetation
  6. Rain Gardens
  7. Detention Ponds

## 6. CALCULATION METHODOLOGY

- A. The Rational Method shall be used to calculate stormwater runoff volumes, peak discharges and to design conveyance and storage systems. The peak runoff rate is given by the equation:

$$Q = CIA$$

Where:

Q = peak runoff rate in cfs

C = weighted runoff coefficient of the drainage area of the parcel

I = average rainfall intensity for a storm with a duration equal to the time of concentration of the drainage area using the provided table based on the midwestern climatological central rainfall Atlas-Bulletin 71

A = parcel area (in acres)

- B. Calculations shall be based on the following event durations and inches of rainfall; 30 minutes at 1.54 inches, 1 hour at 1.95 inches, 2 hours at 2.41 inches, 3 hours at 2.66 inches, 6 hours at 3.11 inches, 12 hours at 3.61 inches, and 24 hours at 4.15 inches.
- C. Runoff coefficients used shall be as follows:
1. Impervious surfaces such as roofs, asphalt, and concrete: 0.95
  2. Semi-pervious surfaces such as pavers and brick: 0.85

- 3. Permeable Pavers, Pervious Concrete/Asphalt, Compacted Earth, Gravel, and similar materials: 0.75
- 4. Green Space/Lawns: 0.15
- D. Runoff volume is calculated by multiplying the Rational Formula Discharge (CIA) by the time in minutes.
- E. The maximum allowable outflow shall be calculated by multiplying the parcel size by the allowed discharge rate of 0.15 cfs.
- F. The required storage volume shall be calculated by subtracting the allowable outflow in cfs from the proposed runoff flow rate in cfs, then multiplying by the duration of 60 seconds. The maximum volume of storage will be based on the various storm durations and rainfall rates established by this Chapter. The required detention storage volume shall be in cubic feet based on the greatest number from the various duration/rates established in this Chapter, which shall then have a safety factor of ten percent (10%) added to the final size requirement. An illustration of this formula is included.

			Area (Acres)	C				
Hard Surface/Imperv. Area			0.00	0.95				
Semi-Pervious			0.00	0.85				
Gravel			0.00	0.75	Proposed Runoff Weighted "C" Value		#DIV/0!	
Green Space/Lawn			0.00	0.15	Maximum Allowable Outflow (CFS)		0.00	
<b>Parcel Size:</b>			0.00					

A	B	C	D	E	F	G	H
Duration (Minutes)	Duration (Hours)	25-Year Total Rainfall (Inches)	25-Year Rainfall Intensity (Inch/Hr)	Proposed Runoff Flow Rate (CFS)	Proposed Runoff Volume (CFT)	Maximum Allowable Outflow (CFS)	Required Storage Volume (CFT)
30	0.50	1.54	3.08	#DIV/0!	#DIV/0!	0.00	#DIV/0!
60	1.00	1.95	1.95	#DIV/0!	#DIV/0!	0.00	#DIV/0!
120	2.00	2.41	1.21	#DIV/0!	#DIV/0!	0.00	#DIV/0!
180	3.00	2.66	0.89	#DIV/0!	#DIV/0!	0.00	#DIV/0!
360	6.00	3.11	0.52	#DIV/0!	#DIV/0!	0.00	#DIV/0!
720	12.00	3.61	0.30	#DIV/0!	#DIV/0!	0.00	#DIV/0!
1440	24.00	4.15	0.17	#DIV/0!	#DIV/0!	0.00	#DIV/0!
						<b>Maximum:</b>	#DIV/0!
						<b>Safety factor of 10%:</b>	#DIV/0!
						<b>Minimum Storage Volume:</b>	#DIV/0!

Figure 1 Illustration of Stormwater Formula

- G. At the request of an applicant for Site Plan review, the Zoning Administrator shall conduct the calculation as part of, or before, the preliminary review of the Site Plan so that the applicant may include the appropriate sized on-site stormwater storage facility in the final Site Plan drawings.

## AMENDMENTS & MORATORIUMS

- 1. Amendments.** The Village Council may create, amend, supplement, delete, or change, by ordinance, the boundaries of districts or the regulations herein established in accordance with the provisions of and in the manner provided by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Additionally, the owner of record of any parcel may petition for the rezoning of said parcel to that of any existing district contained in the zoning code. Such requests shall be limited to only map amendments and no changes to the text of the zoning code. Such applications shall be accompanied by a fee established by the Village Council. Upon the receipt of the map amendment request and fee, the Planning Commission shall hold a public hearing and make a recommendation on the request to the Village Council. Among other factors, the Planning Commission shall consider the request in light of the adopted Master Plan, Future Land Use Map, and possible impact on existing nearby residential districts. Upon receipt of the Planning Commission's recommendation, the Village Council shall take action on the request in a manner required by law, including publication and public hearings, before approving or denying the request. The action of the Village Council shall not be appealable to the Zoning Board of Appeals.

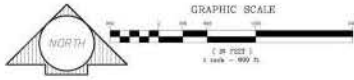
- 2. Conditional Rezoning.** The conditional rezoning of parcels in the Village of Lake Isabella shall be allowed as regulated by statute. When considering a request to conditionally rezone a parcel or parcels, the Planning Commission and/or Village Council shall not require the applicant to offer conditions that have not been volunteered.
- 3. Moratoriums.** The Village Council may, by the adoption of a resolution, enact a moratorium regarding a particular use, activity, building, or structure for a time period not to exceed one year. The moratorium may be utilized when the Village Council determines the likely need for new or updated zoning regulations regarding a particular use, activity, structure, or building, and the adoption of a moratorium will facilitate the preparation, review, and possible adoption of an amendment to this zoning code regarding the particular use, activity, building or structure.

While a moratorium is in effect, no new use, activity, structure, or building covered by the moratorium shall be commenced, initiated, or occur (and no such existing lawful use, activity, building or structure covered by the moratorium could be expanded, intensified or extended). Furthermore, the Village shall not issue, effectuate or grant any permit, approval, or license regarding any use, activity, structure, or building covered by a moratorium while the moratorium is in effect.

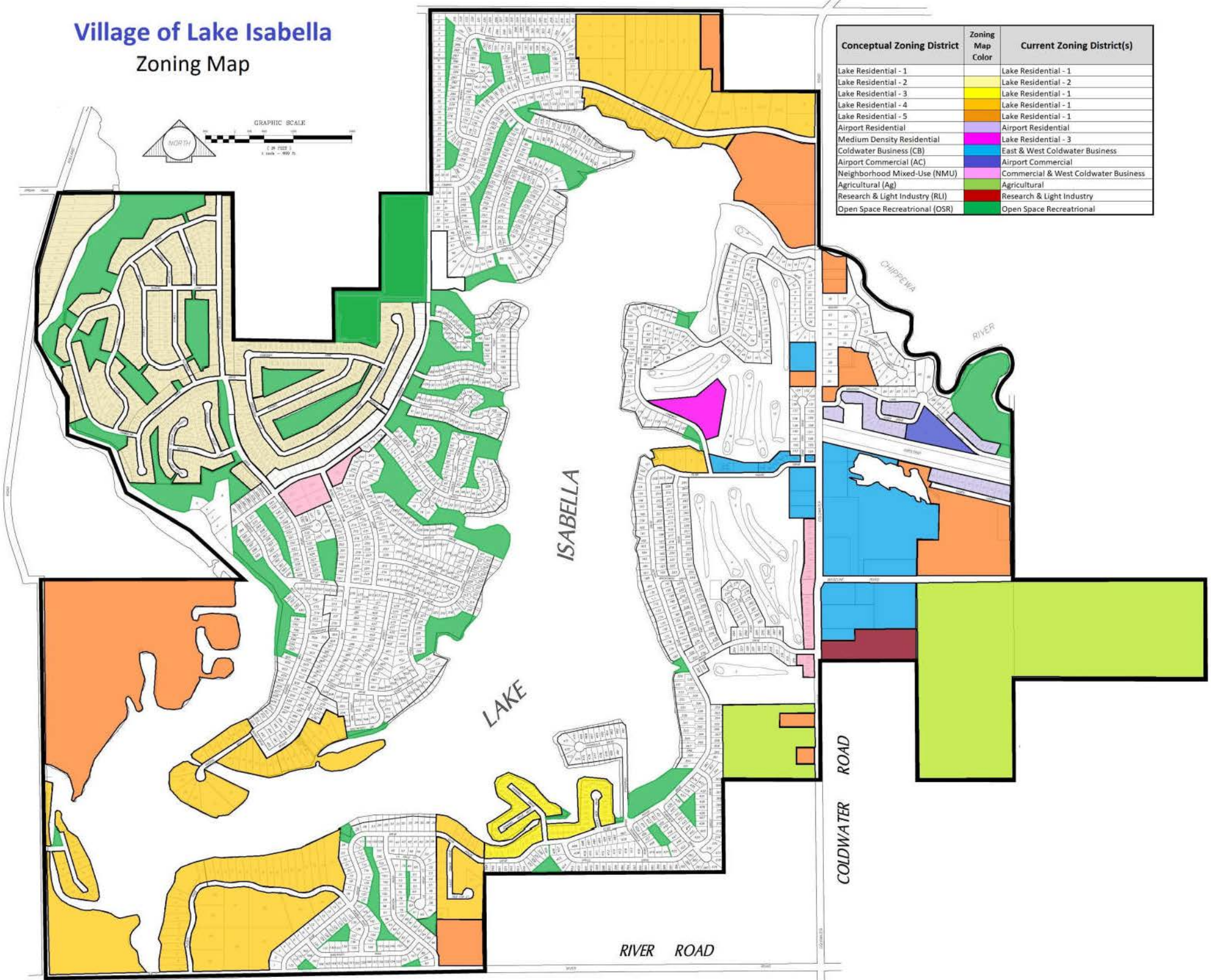
A violation of any moratorium shall constitute a violation of this zoning code. Any use, activity, building, or structure commenced, initiated, or occurring in violation of a moratorium shall not gain any vested rights or lawful nonconforming use or structure rights or status.

4. **Notice of Adoption.** Upon the adoption of any zoning ordinance, the Village Clerk shall cause to be published a notice of adoption that conforms to the requirements of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

# Village of Lake Isabella Zoning Map



Conceptual Zoning District	Zoning Map Color	Current Zoning District(s)
Lake Residential - 1	Light Yellow	Lake Residential - 1
Lake Residential - 2	Yellow	Lake Residential - 2
Lake Residential - 3	Light Orange	Lake Residential - 1
Lake Residential - 4	Orange	Lake Residential - 1
Lake Residential - 5	Dark Orange	Lake Residential - 1
Airport Residential	Purple	Airport Residential
Medium Density Residential	Pink	Lake Residential - 3
Coldwater Business (CB)	Blue	East & West Coldwater Business
Airport Commercial (AC)	Dark Blue	Airport Commercial
Neighborhood Mixed-Use (NMU)	Magenta	Commercial & West Coldwater Business
Agricultural (Ag)	Light Green	Agricultural
Research & Light Industry (RLI)	Dark Red	Research & Light Industry
Open Space Recreational (OSR)	Green	Open Space Recreational



## **Village of Lake Isabella**

1010 Clubhouse Drive  
Lake Isabella, MI 48893

### **PROPOSED ORDINANCE 2023-02**

#### **ARTICLE VI UPDATE**

The Village of Lake Isabella hereby ordains:

#### **SECTION 1: PURPOSE**

The purpose of this Ordinance is to amend various sections of the Codified Ordinances of the Village of Lake Isabella contained in Article VI. The amendments in this Ordinance are intended to address various grammar issues, update regulations, and provide consistency in using the Village's police power. It is further the intent of these regulations to provide for and ensure the public's general health and well-being and to protect property values through the elimination and regulation of nuisance activities that are detrimental to people and property.

#### **SECTION 2: CHAPTER CREATED**

A new Chapter 628, "Control of Village Property," is hereby created and shall read as attached.

#### **SECTION 3: CHAPTERS AMENDED**

This Ordinance will amend the following Chapters to read as attached hereto:

- 600 – Violations & Penalties
- 602 – Animal Control
- 604 – Trespassing
- 606 – Fireworks
- 608 – Burning Regulations
- 610 – Regulation of Noise & Vibration
- 614 – Noxious Odors
- 616 – Truck Routes
- 620 – Signs
- 622 – Land Divisions
- 624 – Uniform Numbering & Addressing
- 626 – Right-of-Way Regulations
- 640 – Vehicles
- 642 – Blight
- 644 – Outdoor Furnaces
- 646 – Swimming Pools

#### **SECTION 4: CHAPTER DELETED**

Chapter 612, regulating yard and rummage sales in the Village, is hereby repealed.

#### **SECTION 5: SEVERABILITY**

In the event that any section or sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not

affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

**Section 6: Ordinances Repealed**

All ordinances and/or parts of ordinances in conflict with or inconsistent with this Ordinance are hereby repealed to the extent of any such conflict or inconsistency.

**Section 7: Effective Date**

This Ordinance shall take effect and be in force upon the expiration of 7 days after the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Lake Isabella. This Ordinance and attached document shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedure of the Village of Lake Isabella.

###

We, the undersigned President and Clerk of the Village of Lake Isabella, Isabella County, State of Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance #2023-02 "ARTICLE VI UPDATE" of the Village of Lake Isabella, was adopted in the following manner with at least seven days elapsing between the publication of the public hearing for the Ordinance and the enactment by the Village Council at a regular or special meeting of the Lake Isabella Council, offered by councilmember \_\_\_\_\_, and seconded by councilmember \_\_\_\_\_. Originally introduced by Councilmember Torgerson.

<b>Village Council Introduction</b>	<b>June 20, 2023</b>
<b>Village Council Public Hearing</b>	<b>July 18, 2023</b>
<b>Village Council Enactment</b>	

The vote to adopt this Ordinance was taken by roll call with the "yeas" and "nays" recorded as such.

YEAS: \_\_\_\_\_  
 NAYS: \_\_\_\_\_  
 ABSTAIN: \_\_\_\_\_  
 ABSENT: \_\_\_\_\_

Dated at Lake Isabella, Michigan, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Village Council President  
David Torgerson

\_\_\_\_\_  
Village Clerk  
Carol Shannon

## VIOLATIONS & PENALTIES

### 1. Violation & Penalties

- A. Any person who violates, disobeys, neglects, or refuses to comply with any provision of this Code or who causes, allows, or consents to any of the same shall be deemed responsible for violating this Code. A violation of this Code is deemed to be a nuisance per se.
- B. Unless another provision of this Code expressly indicates otherwise for a specific portion of this Code, then a violation of this Code is a municipal civil infraction, for which the fines shall be not less than \$100 nor more than \$500, in the court's discretion. The foregoing sanctions shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay all costs, which may include all direct and indirect expenses that the Village incurs in connection with the municipal civil infraction proceedings.
- C. Each day during which any violation continues shall be deemed to be a separate and additional offense.
- D. In addition, the Village may seek injunctive relief against persons alleged to be violating this Code and such other relief as may be provided by law or equity. If the Village abates a violation or a nuisance as defined herein, the cost of any abatement, including legal expenses and any authorized administrative fee, will be billed to the violating property owner. All such costs and fees will be a debt of the property owner to the Village, which may be assessed as a single lot assessment in accordance with Chapter 214 of this Code, and shall constitute a lien against the property, including interest until paid, and enforced and collected in the same manner as ad valorem property taxes.
- E. If the Village is involved in a lawsuit, municipal civil infraction proceeding, or other court action pursuant to this Code in either the Isabella County Circuit Court or the District Court, and should the Village prevail in whole or in part, then the Village shall be awarded its reasonable attorney fees and costs, including attorney fees and costs incurred by the Village leading up to the lawsuit, municipal civil infraction proceeding or other court proceedings, during the trial court or hearing proceedings in the Isabella County Circuit Court or the District Court and through any appeals.
- F. The civil fines, costs, assessments, damages and/or expenses imposed against a person found responsible for violating this Code shall be paid to the Village immediately upon entry of the court order or as the order may otherwise provide. If any such fines, costs, interest, assessments, damages and/or expenses remain unpaid or unsatisfied after the time permitted for such payment or satisfaction, the Village may impose and record a lien upon the real property involved, to the extent permitted by law or equity, and the Village may enforce the lien to the extent and in the same manner as is provided by law or equity



for the enforcement of unpaid ad valorem real property taxes, including the inclusion of the monetary amount of such lien upon the ad valorem property tax roll, and the collection thereof in the same manner as ad valorem real property taxes are collected. The Village may also institute a one-lot special assessment to collect all such monies.

- G. The remedies available to the Village under this Code are cumulative, not exclusive or exclusionary.
- H. Unless another provision of this Code expressly indicates otherwise for a specific portion of this Code, then this Code shall be administered and enforced by a Code Enforcement Officer of the Village of Lake Isabella, a duly sworn law enforcement officer approved through the Michigan Commission on Law Enforcement Standards (MCOLES) employed by an agency having jurisdiction in the Village of Lake Isabella including the Isabella County Sheriff's Department, the Michigan State Police, and the Michigan Department of Natural Resources, or by such other person(s) as may be designated by the Village Council from time-to-time.

## ANIMAL CONTROL

### 1. Purpose

The purpose of this Chapter is to provide for the preservation of public peace and to protect the health, safety, and welfare of citizens and property by regulating the control of domestic animals by their owners within the Village of Lake Isabella. Furthermore, it is also the purpose of this Chapter to ensure that domestic animals are provided with humane living conditions.

### 2. Definitions

The following words and phrases used in this Chapter are hereby defined as follows:

- A. Adequate Care. The provision of sufficient food, water, shelter, sanitary conditions, and veterinary medical attention in order to maintain an animal in a state of good health.
- B. Animal. Any living vertebrate creature, domestic or wild, not including a human being.
- C. Animal Control Officer. Any Person designated by the Village of Lake Isabella or Isabella County to enforce the provisions of this chapter or county animal control ordinance or any law enforcement officer certified by the State of Michigan.
- D. Animal Pound. Any Animal shelter where a Domestic Animal may be impounded. The Animal Pound may be maintained by the Village, by Isabella County, or by any third party which operates an Animal shelter and which contracts with the Village or County.
- E. At Large. Off the premises of the Owner and not physically under [the](#) control of the Owner or a member of the Owner's immediate family by leash, cord, chain, or otherwise.
- F. Dangerous Animal. Any Animal which, without provocation, attacks or injures a Person who is peaceably conducting themselves in any place where they lawfully may be. Dangerous Animals shall also include any Animal which, because of its size, vicious propensity, or another characteristic, would constitute a danger to human life, property, or Domestic Animals if not restrained or kept in a safe manner.
- G. Dog. Any Animal in the canine family of either or no sex, and of any age.
- H. Domestic Animal. An Animal kept as a pet, including, but not limited to, all Dogs and cats.
- I. Neglect. Failure to sufficiently and properly care for an Animal to the extent that the Animal's health is jeopardized.
- J. Owner. Any Person, [partnership, or corporation](#) who has a right or property interest in an Animal, who keeps or harbors an Animal, who has an Animal in his or her care, who acts as custodian of an Animal, or who knowingly permits any Domestic Animal to remain on or about any premises occupied by him or her for a period of ~~5~~ [three \(3\)](#) days or more.
- K. Person. Any corporation, partnership, limited liability company, association, or other legal entity, as well as a natural human being.

- J. Police Officer. Any Person employed by Isabella County; the Village of Lake Isabella, the Michigan state police; or any other law enforcement agency having jurisdiction in the Village trained and certified pursuant to the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws. ~~employed by the Village or by the State of Michigan, Isabella County, or Sherman Township whose duty it is to preserve the peace or to make arrests or to enforce the law.~~
- K. Public Nuisance. Any Animal which:
1. On more than one occasion, chases pedestrians, bikes, or passing vehicles.
  2. ~~Attacks other Animals.~~ Any animal that has bitten, attacked, or menaced another Person or Animal while at-large shall be automatically presumed to be a Dangerous Animal.
  3. Is at large three (3) or more times within a six (6) month time frame ~~year's time.~~
  4. Damages or destroys private property by chewing, digging, or other destructive behavior.
  5. Barks, howls, yelps, or runs at large so as to disrupt the peace of the neighborhood.
- L. Restrain. An Animal shall be deemed under restraint if:
1. It is under the direct physical control of its Owner or other responsible Person by means of a leash, cord, rope, strap, chain, or lead held by such Owner or Person and securely fastened to the collar or harness attached to the Animal. An electronic device that does not feature a direct physical connection between the Person and Animal shall not meet the definition of being Restrained.
  2. It is securely enclosed, confined, or restrained on the premises where it may lawfully be so as to be unable to enter upon the public way or to molest Persons lawfully using the public way.
- M. Sanitary Conditions. Space free from health hazards, including excessive Animal waste, overcrowding of Animals, or other conditions that endanger the Animal's health. This definition does not include a condition resulting from any customary and reasonable practice pursuant to farming or Animal husbandry.
- N. Shelter. Adequate protection from the elements suitable for the age and species of the Animal and weather conditions to maintain the Animal in a state of good health, including structures or natural features such as trees and topography.
- O. State of Good Health. Freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the Animal, unless the Animal is undergoing appropriate treatment.
- P. Water. Potable water that is suitable for the age and species of the Animal made regularly available unless otherwise directed by a veterinarian licensed to practice veterinary medicine.

### 3. Keeping or Housing of Animals

- A. The keeping or housing of pets (including cats, Dogs, household fish, and household birds) and other animals shall only be permitted within the Village as is authorized by this Chapter.
- B. No structure or premises in the Village shall have a maximum total of four or more dogs and/or cats over four months of age unless such is approved as a Kennel in the zoning code. ~~It shall be unlawful to own, harbor, or possess more than two dogs over six months of age in or upon any parcel within the Village unless otherwise approved as a Boarding Kennel or Private Kennel as defined and approved in the Zoning Code for the Village of Lake Isabella.~~
- C. No livestock animals, fowl, or poultry other than customary household pets may be housed or bred in any residential district.

### 4. Dog License

No Owner of any Dog shall own, harbor, maintain, possess, or permit any Dog over the age of ~~6~~ four months to remain on such Owner's premises within the Village unless the Owner shall have complied with the laws of the State providing for the licensing and registration of the Dog. Every Owner of a Dog shall be required to provide the Dog with a collar to which the license tag issued for that dog shall be affixed. The Owner shall be responsible for seeing that the collar and tag are worn by the Dog constantly when it is off the Owner's property.

### 5. Harboring, Keeping Domestic Animals; Prohibitions

- A. Prohibited Acts. It shall be unlawful for any Owner to keep, harbor, or have charge of any domestic Animal, whether licensed or unlicensed, which has become a public nuisance, or when any one or more of the following facts exist:
1. The Animal has an ugly or vicious disposition, shows vicious habits and/or has molested any Person or Animal lawfully in or upon any public street or place. For purposes of this Section, any Animal who has bitten or attacked another Person shall be automatically presumed to be vicious.
  2. The Domestic Animal has attacked or bitten any Person or has destroyed any property or other domestic Animal.
  3. The Domestic Animal appears to be suffering from rabies or affected with hydrophobia, mange, or other infectious or dangerous disease.
  4. The Domestic Animal, by the destruction of property or trespassing upon the property of others, has become a nuisance in the vicinity where kept, as witnessed by an Animal Control Officer or by the ~~sworn~~ written complaint of any two (2)

- persons from two (2) separate households in the vicinity where the Domestic Animal is kept.
5. The Domestic Animal, by loud barking, howling, yelping, whining, meowing, or other sound, has become a nuisance in the vicinity where kept, as witnessed by an Animal Control Officer or by the ~~sworn~~ written complaint of any two (2) persons from two (2) separate households in the vicinity where the Domestic Animal is kept.
- B. Running at Large. No person shall cause or permit any Animal kept by him or her to run at large within the Village. Animals that are on any street, alley, sidewalk, path, park/common area (whether public or private), or any other public place, without being ~~R~~restrained, shall be deemed to be running at large. It shall be unlawful to permit any Animal to run at large on the property of another without the permission of the Owner of that property.
- C. Keeping of Wild Animals. No person shall keep or permit to be kept on his or her premises any wild animal (such as, but not limited to, bear, deer, large snakes, large reptiles, or large members of the cat family) as a pet or for display or exhibition purposes, unless he or she has obtained a permit from the State of Michigan authorizing such activity and complies with the Village zoning code. This subsection shall not apply to performing animal exhibitions or circuses. An Animal Control Officer shall have the power to release or order the release of any wild Animal capable of surviving in the wild and/or turn such Animal over to any agency authorized by the State of Michigan to house wildlife.
- D. Keeping Dangerous Animals.
1. No Person shall permit any Dangerous Animal to be on any private or public property other than the Owner's property, unless such Animal is securely muzzled or caged. Adequate safeguards shall be taken to prevent unauthorized access to a Dangerous Animal on the Owner's premises by Persons unlawfully on the premises.
  2. Whenever an Animal Control Officer determines upon personal observation or investigation that an Animal is a Dangerous Animal, as defined in this Chapter, the officer shall notify the Owner of the Animal in writing of the determination, the reasons for the determination, and the requirements of this Chapter regulating the keeping of Dangerous Animals.
  3. Any Dangerous Animal running at large and which cannot safely be taken or impounded may be destroyed by an Animal Control Officer, provided, however, that in all cases where the Animal has seized or bitten any person or Animal with its teeth or jaws so as to cause a puncture or abrasion of the skin, or where the Animal is suspected to be rabid, no injury should be done to the head of the Animal.

4. **Diseased Animals:** It shall be unlawful for an Owner to permit a Domestic Animal afflicted with a contagious disease to run at large or to be exposed in any public place whereby the health of any other animal or Person may be affected.
5. **Abandoned or Unwanted Animals:** It shall be unlawful to abandon an Animal or cause an Animal to be abandoned, in any place, without making provisions for the Animal's adequate care, unless the premises are temporarily vacated for the protection of human life during a disaster. An Animal that is lost by an Owner or custodian while traveling, walking, hiking, or hunting shall not be regarded as abandoned under this Section when the Owner or custodian has made a reasonable effort to locate the Animal. Unwanted Animals shall be offered to an Animal Shelter. If an unwanted Animal is not accepted by an Animal Shelter, the Animal shall be humanely dispatched by a licensed veterinarian.
6. **Order to Show Cause Why Animal Should not be Destroyed:** An Animal Control Officer may issue a citation of a violation of this Section or a complaint may be filed in the District Court of Isabella County, and the District Court shall thereupon issue a summons to the Owner of such Animal to show cause why the Animal should not be killed or otherwise disposed of as ordered by the Court. Upon hearing, the District Court Judge, upon finding that one or more of the facts as set forth in this Section exists, shall order the Animal to be killed or otherwise disposed of as ordered by the Court. All costs incurred for the disposition of the Animal shall be paid by the Owner. Such action shall be in addition to any penalty imposed pursuant to Chapter 600 of the Codified Ordinances of the Village of Lake Isabella.

## 6. Care and Treatment of Animals

- A. **Humane Care.** No person shall cruelly treat, beat, torment, overload, overwork, or otherwise abuse any Animal. No owner of an Animal shall neglect or fail to provide such Animal with Adequate Care.
- B. **Inhumane Treatment.** No person shall cause any Animal to be subjected to cruel or inhumane treatment, including, but not limited to:
  1. The unnecessary separation of a female Animal from its offspring before such time as the offspring can survive such separation.
  2. Painting, dyeing, or otherwise coloring any Animal as a novelty or for purposes of sale, exchange, or adoption.
  3. Promoting, inciting, or conducting Animal fights or the killing of Animals for wagering or entertainment.
  4. Keeping an Animal in any container or other enclosed area without sufficient food, water, light, ventilation, and care for an unreasonable length of time so as to cause undue discomfort or suffering.

5. The unnecessary killing of any species of Animal except rat, mouse, mole, or vole.
6. The transporting of any living Animal on the running board, fenders, hood, [truck bed](#), or other outside part of any vehicle, unless a suitable harness, cage, or enclosure is provided so as to protect such Animal from falling or being thrown therefrom.

#### **7. Removal of Excrement**

- A. Any person owning or having charge of any dog, cat, horse, or other Animal shall be responsible for the removal of any excrement deposited by such dog or cat on public thoroughfares, sidewalks, parks, or any public property whatsoever or upon any private property. Any person owning or having charge of a dog or cat, which deposits excrement on public or private property other than the property of the Animal's Owner or keeper, shall, upon being aware of such fact, immediately remove such excrement and dispose of it in a sanitary manner. This provision shall not apply to blind or physically handicapped persons while walking with their guide dog.
- B. It shall also be unlawful under this Section to permit excessive animal excrement to accumulate on any property to the degree that it becomes offensive or injurious to health or constitutes a nuisance.
- C. Animal excrement shall not be placed in storm sewers, street gutters, or ditches within a public right-of-way, but shall be disposed of in a sanitary manner.

#### **8. Administrative Liability**

No Village officer, agent, appointee, contractor, employee, or member of the Village Council shall be personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Chapter.

## TRESPASSING

### 1. Trespassing Prohibited

Any person who shall willfully enter upon the lands or premises of another without lawful authority, after having been forbidden so to do by the owner or occupant, or the agent or servant of either, or any person being upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant, or the agent or servant of either, who without lawful authority neglects or refuses to depart therefrom shall be guilty of trespassing.



## FIREWORKS

### 1. Definitions

For the purposes of Chapter 616 of the codified ordinances of the Village of Lake Isabella, the following definitions shall apply;

- A. Agricultural and Wildlife Fireworks ~~means~~ are fireworks devices distributed to farmers, ranchers, and outdoor growers through a wildlife management program administered by the United States Department of the Interior or the Michigan Department of Natural Resources.
- B. Consumer Fireworks means a fireworks device that is designed to produce visual effects by combustion that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and ~~that~~ are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5.- Consumer Fireworks do not include low-impact fireworks.
- C. Display Fireworks means a large fireworks device that is explosive material intended for use in fireworks displays and designed to produce a visual or audible effect by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.
- D. Firework or Fireworks means any composition or device, except for a starting pistol, flare gun, or flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.- Fireworks consist of Consumer Fireworks, Display Fireworks, Low-impact Fireworks, articles of pyrotechnic, and special effects.
- E. Low-impact Fireworks means ground and handheld sparkling devices as that phrase is defined by APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.
- F. Novelty Fireworks means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and includes items such as toy plastic or paper caps, toy pistols, sparklers, and toy snakes.

### 2. Regulations

No person shall ignite, discharge, or use ~~any~~ fireworks within the Village of Lake Isabella except as specifically allowed by the exceptions listed below in this chapter.

- A. Prohibition on Use of Agricultural and Wildlife Fireworks and Display Fireworks  
No person shall ignite, discharge, or use Agricultural and Wildlife Fireworks or Display Fireworks within the Village at any time without a license or permit issued by the Village of Lake Isabella per Section 616.05 of the Codified Ordinances of the Village of Lake Isabella.

### B. Prohibition on Use of Consumer Fireworks

1. No person shall ignite, discharge, or use consumer fireworks within the Village of Lake Isabella except during the dates and local times specified below:
  - a) December 31<sup>st</sup> from 11:00 AM until 1:00 AM on January 1<sup>st</sup>.
  - b) The Saturday and Sunday immediately preceding Memorial Day from 11:00 AM until 11:45 PM on each of these days.
  - c) June 29<sup>th</sup> to July 4<sup>th</sup> from 11:00 AM until 11:45 PM on each of these days.
  - d) July 5<sup>th</sup>, if that date is a Friday or Saturday, from 11:00 AM until 11:45 PM.
  - e) The Saturday and Sunday immediately preceding Labor Day from 11:00 AM until 11:45 PM on each of these days.
2. No person shall ignite, discharge or use Consumer Fireworks at any time from any public street, road, or highway.

### C. Use of Low-Impact or Novelty Fireworks.

Low-impact Fireworks shall be ignited, discharged, or used so as to not cause injury or damage to any person or property but shall not be ignited, discharged, or used inside any building or structure at any time without a license or permit issued by the Village of Lake Isabella. Novelty Fireworks may be ignited, discharged, or used without restriction, but such shall only occur in a manner to not cause injury or damage to any person or property.

## 3. Permits

The Village of Lake Isabella may issue a non-transferable permit to any ~~legal~~ legal-age resident, firm, or corporation to use for display fireworks under the following circumstances.

- A. All applications shall be in writing on forms supplied by the Michigan State Police Department. [MCL 750.243b (1)]
- B. Before a permit may be issued, the legal age resident, firm, or corporation requesting the permit must furnish in written documentation evidence of a security bond or insurance policy covering damages to property and persons arising out of an act or omission on the part of the legal age resident, firm, or corporation or agent or employee thereof in the minimum amount of one million dollars (\$1,000,000) or additionally as may be required by the size and scope of the fireworks being used in the requested permit. [MCL 750.243b (3)]
- C. The Village of Lake Isabella may require any additional safety requirements as the Village Council deems fit based on the time, place, and materials requested on the permit application form. [MCL 750.243b (5)]

4. All applications must be submitted to the Village office in completion no less than twenty-five (25) business days before the requested date of use.

## BURNING REGULATIONS

### 1. Purpose

The purpose of this Chapter is intended to promote the public's health and welfare, safeguard property, and promote comfortable living conditions within the Village of Lake Isabella by regulating open burning, outdoor burning, and other fires and the hazards and air pollution created by such fires.

### 2. Applicability

This Chapter applies to all outdoor burning and wood burning, with the exception of "Outdoor Free-Standing Furnaces" (which are regulated by Chapter 644 of the Codified Ordinances of the Village of Lake Isabella) within the Village of Lake Isabella. This Chapter does not apply to the following circumstances and conditions:

- A. The burning of wood, charcoal, propane, or natural gas used in cooking appliances or grills.
- B. Burning for the purpose of generating heat in a stove, furnace, fireplace, or another heating device within a structure used for human or animal habitation.
- C. The burning of propane, acetylene, natural gas, gasoline, diesel, or kerosene in a device intended for heating, construction, or maintenance activities.

### 3. Definitions

For the purpose of this Chapter, the following definitions shall apply:

- A. Campfire: A small outdoor fire intended for recreation or cooking, but not including a fire intended for disposal of waste wood or refuse.
- B. Clean Wood: Natural wood which has not been treated, painted, varnished, or coated with similar material and does not contain resins or glues as in plywood or other composite wood products.
- C. Construction and/or Demolition Waste: Materials generated as waste from construction, demolition, repair, and/or remodeling work. This includes, but is not limited to, shingles, insulation, lumber, wiring, plastic, packaging, drywall, and paper.
- D. Outdoor and Open Burning: Kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney. This includes burning in a burn barrel.

### 4. Regulation of Burning & Smoke

Outdoor and open burning is prohibited in the Village of Lake Isabella unless expressly permitted by this ordinance. This includes, but is not limited to, the following items:

- A. Refuse and Household Trash.

- B. Construction and/or Demolition Waste.
- ~~C. Leaves, Pine Needles, and Pine Cones.~~
- C. Grass Clippings, Weeds, and Other Non-Woody Plants.
- D. Hazardous Substances, including but not limited to: batteries, household chemicals, pesticides, herbicides, oil, gasoline, paint, varnishes, and solvents.
- E. Appliances, mattresses, and Furniture.
- F. Tires.
- G. The omission of dense smoke, smoke containing soot, or other substance of sufficient quality to noticeably permit the deposit of soot or other substance in the Village. The omission of smoke is hereby declared to be a public nuisance and a threat to the general health of the community.

### 5. Permitted Burning

Outdoor and open burning is allowed only as permitted below, provided that such burning and generated smoke do not create a nuisance which ~~effects~~ affects the health, safety, or enjoyment of persons or property within the Village of Lake Isabella:

#### A. Permitted Types of Outdoor and Open Burns

1. Campfires of "clean wood."
2. The burning of trees, tree-logs, tree-limbs, brush, and stumps.
3. Outdoor fires are conducted in small masonry chimneys, hibachis, portable outdoor fireplaces, patio warmers, and other similar semi-enclosed devices.

#### B. Required Conditions for Permitted Outdoor and Open Burns.

1. No outdoor or open burning may be conducted on days when the Michigan Department of Natural Resources has declared an "air quality action day" applicable to the Village of Lake Isabella.
2. Outdoor or open burning may only be conducted on days and times as allowed by the Michigan Department of Natural Resources.
3. No outdoor or open burning may be conducted without the constant supervision of a competent person at least eighteen years of age. Such a person shall have readily available for use fire extinguishing equipment as may be necessary to control the fire.
4. All allowed outdoor and open burning shall be conducted in a safe, nuisance-free manner when wind and weather conditions minimize the adverse effects and do not create a health hazard or visibility hazard on roadways or airfields.

~~5. Permitted outdoor and open burns shall be restricted to pits or piles not more than six feet (6') in diameter.~~

C. Nothing contained herein shall be deemed to prevent any public agency from causing a burn for instructional purposes to train fire-fighting professionals, or as part of a forest management plan approved by the [State of Michigan](#) ~~Michigan Department of Environmental Quality~~.

6. ~~Burn Permit Required~~ [Michigan Department of Natural Resources Control](#)  
[The outdoor and open burning of trees, tree-logs, tree-limbs, brush, and stumps is permitted when done in conformity with applicable regulations and burn conditions as determined by the Michigan Department of Natural Resources or successor state entity.](#) ~~require the issuance of a Burn Permit from the Michigan Department of Natural Resources, with the exception of those times of year where the ground is snow covered.~~

## 7. Liability

A person utilizing or maintaining an outdoor or open fire shall be responsible for all fire suppression costs and other liability resulting from damage caused by such fire.

## REGULATION OF NOISE & VIBRATION

### 1. Purpose & Intent

The purpose of this Chapter is to regulate excessive or unreasonable sound and vibrations within the Village of Lake Isabella, which are detrimental to public health and safety. Additionally, excessive sound and vibration adversely affect property values and also degrades the quality of life enjoyed in the various neighborhoods of the Village of Lake Isabella. It is the intent of this Chapter to provide the Village of Lake Isabella with an enforceable nuisance-type ordinance adopted under the police powers of the Village of Lake Isabella as an incorporated Home Rule Village. Nothing contained in this Chapter is intended to impede growth or the economic vitality of the commercial, business, or industrial sectors of the Village of Lake Isabella. Likewise, nothing contained in this Chapter is intended to impede any person's First Amendment rights of freedom of speech or assembly.

### 2. Exemptions

This Chapter shall not apply to the following:

- A. Sound or vibration which is generated incidental to a person's reasonable noncommercial use and care of private property, including but not limited to, lawn mowers, trimmers, snow blowers, leaf blowers, chain saws, chippers, and other equipment commonly used in landscaping and yard care.
- B. Sound or vibration generated by a special event authorized by the Village Council or sponsored by the Village of Lake Isabella.
- C. Sound or vibration which is generated as a result of bona fide agricultural activities or by agricultural animals or livestock when done on or from property zoned Agricultural.
- D. Sound or vibration from aircraft in flight or operation.
- E. Sound or vibration for the purpose of alerting persons to the existence of an emergency or emergency response vehicle.
- F. Sound or vibration from or related to government projects or construction, repair, or maintenance of public streets, bridges, utilities, or other similar infrastructure.
- G. Sound or vibration associated with religious organizations or houses of worship.
- H. Sound or vibration from lawful business, industrial, or commercial operations if reasonable and customary for the type of business, industrial, or commercial use involved [and the business is operating within the conditions required by the zoning code and in compliance with Chapter 622.11.](#)

### 3. Temporary Exemptions

An application for a permit to engage in any temporary activity, noise, or use which would otherwise violate this Chapter must be made in writing and submitted to the Village Clerk. Applications shall be made at least 28 days prior to the date of the proposed use or event. Upon receipt of the application, the Village Clerk shall forward the application to the Village Manager. The Village Manager shall consult with other appropriate personnel and entities regarding the application and shall make a report back to the Village Clerk within 14 days of receipt of the application.

The Village Clerk shall balance the hardship of the applicant with the overall health welfare and safety of the community. After considering all relevant information, the Village Clerk shall either issue a temporary exemption or deny the request. If the request is denied, the Village Clerk shall state the reasons for denial in writing. If, after 28 days from the date of the original submission, the Village Clerk has not taken action on the request, the Village Manager shall either approve or deny the permit in the same manner as is required of the Village Clerk. Reasonable conditions may be imposed on any permit issued.

#### ~~4. Variances~~

~~The Village Council may grant variances to the requirements of this Chapter upon the submission of such requests for either regular or permanent occurrences as follows:~~

- ~~A. All such requests shall be made in writing, and shall be accompanied by a reasonable fee set by resolution of the Village Council. Said fee shall be used to off-set costs incurred by the Village in reviewing the application.~~
- ~~B. Upon receipt of an application and fee, the Village Clerk or his/her designee shall schedule a public hearing for consideration of the application.~~
- ~~C. The Village Clerk shall cause to be mailed to the owners of all properties within 500 feet of the site of the proposed noise variance (as well as the owner of the property for which the variance is sought) a notice informing said owners of the date, time, and location of the public hearing. This notice shall also contain a brief summary of the request.~~
- ~~D. The Village Clerk shall also cause to be published once in a notice in a newspaper of general circulation of the public hearing on the variance.~~
- ~~E. The notices detailed in subsections 3 and 4 above are to be done at least 15 days prior to the public hearing.~~
- ~~F. No variance shall be granted unless the applicant proves to the Village Council that all of the requiring standards will be met:~~
  - ~~1. Enforcement of the Ordinance provision at issue would constitute an unreasonable hardship.~~
  - ~~2. The sound allowed pursuant to the requested variance would not have a significant adverse impact upon nearby properties or residents.~~



~~3. The intent and purposes of this Ordinance will be met.~~

~~4. The requested variance is reasonable.~~

~~G. The Village Council may grant a lesser variance than requested, and may also attach conditions on the variance to further mitigate the impacts from detrimental sound or vibrations.~~

~~H. No variance granted shall be effective until the applicant and Village have entered into a written agreement detailing the conditions of the variance. All such agreements shall be recorded with the Isabella County Register of Deeds.~~

#### **5.4. Noise & Vibration Prohibited**

The following activities and uses are prohibited:

- A. Dogs or other animals that by frequent or long continued noise disturb the comfort or repose of any reasonable person.
- B. The noise associated with the construction, remodeling, repair, or demolition of buildings except during the hours of 7:00 a.m. to 8:00 p.m. unless prior written permission has first been obtained from the Village Zoning Administrator.
- C. The playing of any radio, television, or other amplified entertainment device or musical instrument at such volume that is perceptible at a distance of three hundred feet (300') or more either by hearing the noise by the human ear or by feeling the noise in the form of vibrations associated therewith. ~~it annoys the reasonable peace and comfort of anyone within the Village of Lake Isabella.~~
- D. Nuisance parties ~~and frequent gatherings~~ whereby a public nuisance is created by continued disruption of the public's peace and quiet. A "nuisance party" is a social gathering or event, typically held in a residential area, that generates excessive noise, traffic, or other disturbances that negatively impact the surrounding community. Nuisance parties can occur at any time of day or night, but they are often associated with late-night or early-morning events, such as house parties or outdoor gatherings.
- E. The use of loudspeakers or public-address systems in any residential district for advertising or for business or commercial purposes or uses between the hours of 7:00 p.m. and 8:00 a.m. of the following day. The use of any such loudspeaker shall be deemed to be in violation if it is operated at such a volume that is perceptible at a distance of three hundred feet (300') or more either by hearing the noise by the human ear or by feeling the noise in the form of vibrations associated therewith.
- F. No gasoline or diesel-powered motor vehicle shall operate an engine brake on any public street or roadway in the Village of Lake Isabella, with the exception of Coldwater Road. This prohibition on the use of engine brakes shall not apply in emergency situations when the use of an engine brake is needed to protect life or property.

~~G. Disturb the public peace and quiet by loud or boisterous conduct.~~

G. Create a substantial and unreasonable noise or sound that disturbs the peace or quiet of any neighborhood or that causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

~~H.~~ Disturb the peace by unreasonable noise. An "unreasonable noise" is any sound that exceeds the level or duration that a reasonable person would find acceptable under the circumstances. In general, unreasonable noise is one that is loud, persistent, or disturbing enough to interfere with the ability of individuals to carry out their normal activities or to enjoy their property.

I. No person operating or occupying a motor vehicle on any street, highway, alley, parking lot, or driveway, either public or private property, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of three hundred feet (300') or more from the vehicle or, in the case of a motor vehicle on private property, beyond the property line.

#### ~~6. Allowed Noise Levels~~

~~A. No person or company shall conduct or allow any activity, including those specifically prohibited herein, that produces a DBA that is measured on another lot or parcel that exceeds the table below:~~

<del>Receiving Parcel Zoning</del>	<del>Time of Day</del>	<del>Max. Allowed DBA</del>
<del>Residential</del>	<del>7 p.m. — 10 a.m.</del>	<del>50</del>
<del>Residential</del>	<del>10 p.m. — 7 a.m.</del>	<del>40</del>
<del>Business/Commercial</del>	<del>7 a.m. — 10 p.m.</del>	<del>60</del>
<del>Business/Commercial</del>	<del>10 p.m. — 7 a.m.</del>	<del>50</del>
<del>Industrial</del>	<del>Any</del>	<del>70</del>
<del>Noise Sensitive Areas</del>	<del>Established by Resolution of the Village Council</del>	

~~B. Even if a particular noise is less than the DBA mentioned above, it will still be in violation of this Chapter if it violates any of the provisions of Chapter 622.09 hereof.~~

~~C. No noise or vibration originating on a parcel or lot shall be audible or felt further than 5,280 feet away from that lot or parcel during the hours between 10:00 p.m. and 7:00 a.m. the next morning.~~

#### ~~7. Noise Sensitive Areas.~~

~~The Village Council may, by resolution, designate locations as noise sensitive zones. These areas may include uses such as schools, hospitals, houses of worship, assisted living facilities, parks, and cemeteries. Resolutions creating such zones shall include the allowed~~

~~DBA limit for outdoor sound and noise within the noise sensitive zone. A violation of the limit established by such a resolution shall constitute a violation of this Chapter.~~

## ~~YARD & RUMMAGE SALES~~

### ~~1. Definitions~~

~~As used in this chapter, the following definitions shall apply:~~

- ~~A. Rummage Sale: Includes all sales entitled "garage sale," "lawn sale," "yard sale," "attic sale," "moving sale," flea market sale," "rummage sale," and other like terms that advertise an event, date, and/or location for the casual sale of personal items or property where the public at large is invited or made aware of the sale.~~
- ~~B. Goods: Includes any goods, warehouse merchandise, or other property capable of being the object of a sale regulated hereunder.~~
- ~~C. Person: Includes individuals, partnerships, corporations, voluntary associations, and organizations.~~

### ~~2. Yard & Rummage Sale Regulations~~

- ~~A. No rummage sale shall be conducted for more than four (4) consecutive days.~~
- ~~B. No parcel shall conduct more than one rummage sale in any sixty (60) day period.~~
- ~~C. No rummage sale shall be open for business between the hours of 8 PM and 8 AM.~~
- ~~D. All goods to be sold or displayed as part of a rummage sale must be removed from view within twenty four (24) hours of the end of the rummage sale.~~
- ~~E. No sign advertising a rummage sale shall be permitted to be placed in any public right of way, upon any tree, or upon any utility poles or traffic signs. All rummage sale signs shall conform in all aspects to the established sign regulations of the Village of Lake Isabella.~~
- ~~F. No public right of way shall be used to display rummage sale goods at any time.~~
- ~~G. The Village of Lake Isabella may by action of the Village Council, set a community wide rummage sale weekend, not to exceed four days.~~

## NOXIOUS ODORS

### 1. Purpose

The purpose of this Chapter is to promote the public's health and welfare, safeguard property, and promote comfortable living conditions within the Village of Lake Isabella by regulating nuisance activities and noxious or disagreeable odors which are injurious to the public's health, well-being, or may be detrimental to the social and economic well-being of human beings. It is further the purpose of this Chapter to maintain the quality of life enjoyed in the residential neighborhoods of the Village of Lake Isabella.

### 2. Definitions

For the purpose of this Chapter, the following definitions shall apply:

- A. Noxious or Disagreeable Odor. An odor, gas, steam, particulates or emission which is either foul, offensive, nauseous or repulsive, and which causes physical discomfort to the senses of ordinary persons or is unreasonably detrimental to the health, social or economic well-being of human beings or property.

### 3. Regulation of Noxious or Disagreeable Odors

No person, firm, corporation, trust, limited liability company, partnership, or other entity shall create, cause, maintain or allow any activity or use within the Village of Lake Isabella that emits smoke, gas, steam, dust, fly ash or organic or inorganic particulates so as to create or cause a noxious or disagreeable odor. - This prohibition shall not apply to campfires and other controlled and permissible outdoor burning in compliance with Chapter 608 of the Codified Ordinance of the Village of Lake Isabella. Emissions of smoke, gas, steam, dust, fly ash or organic or inorganic particulates which travel beyond or are detectable beyond the boundaries of the property from which they originate shall be deemed prima facie evidence of a violation of this section. Any such activity is also hereby declared to be a nuisance per se.

### 4. Regulation of Nuisance Activities

No person, firm, corporation, trust, limited liability company, partnership, or other entity shall create, cause, maintain or allow any activity or use within the Village of Lake Isabella that emits a noxious or disagreeable odor, smoke, gas, steam, dust, fly ash or organic or inorganic particulates which travels beyond or are detectable beyond the boundaries of the property from which they originate and which leaves a visible film or residue on the exterior walls, windows or doors of any dwelling or building located beyond the boundaries of the property from which the offending materials originate. Any such activity is also hereby declared to be a nuisance per se.

## TRUCK ROUTES

### 1. Purpose

The purpose of this chapter is to regulate the orderly operation of trucks and vehicles of excess weight on the public streets of the Village of Lake Isabella. Prime considerations involved with the purpose of this article are:

- A. The safety of our citizens; and,
- B. Avoidance of unreasonable or unnecessary disturbance or reduction in property values due to truck noise, vibrations, and/or air pollution; and,
- C. Protection against the deterioration of those streets not engineered for commercial traffic.

### 2. Traffic Control Signs

Where the density of traffic, protection of life and property, construction and condition of the roadway, or any hazardous condition make it advisable, the direction of traffic flow, and routing of buses, trucks, and heavy vehicles, will be made by this chapter by duly posting traffic control signs and it shall be unlawful to drive or cause to be driven, any vehicle in violation of such direction and routing.

### 3. Non-Thru Streets

The following roadways, or portions of roadways, in the Village of Lake Isabella, are hereby designated as Non-Thru Streets for purposes of this article:

- A. El Camino Grande from Coldwater Road to Queens Way
- B. Fairway Drive from Clubhouse Drive to Coldwater Road
- C. Queens Way (Local Street) from Duquesa Drive to Bundy Drive

### 4. Motor Vehicles of Restricted Class

Motor vehicles of the restricted class as used in this article are defined as all motor vehicles having a rating of ~~6,001~~14,001 GVWR (Gross Vehicle Weight Rating) or more, including the load therein, except vehicles carrying or designated to carry passengers, all governmentally-owned or leased vehicles, and public utility vehicles.

### 5. Travel within the Village; Non-thru Streets – Exceptions

Motor vehicles of the restricted class, while, in the Village of Lake Isabella, shall travel on Thru Streets only, except as follows:

- A. The operation of authorized emergency vehicles may occur on any roadway in the Village.
- B. The operation of recreational vehicles, as defined by State law, which are of the restricted class, may use any roadway in the Village.

- C. The operation of motor vehicles of the restricted class is permitted on any roadway in the Village for pick-up, delivery, or service, provided that ingress and egress thereto or therefrom is accomplished in the following manner:
1. Vehicles of the restricted class shall utilize designated Major Streets to the point closest to delivery, pick-up, or service.
  2. Upon leaving or returning to a Major or Thru Street, vehicles of the restricted class shall utilize the shortest route available to reach the delivery, pick-up or service destination.
- D. Non-Thru Streets shall be posted with signs at reasonable intervals where appropriate. Such signs shall indicate "No Trucks" or "Not a Truck Route".
- E. It shall be the duty of any person driving or in charge or control of any buses, trucks, or heavy vehicles, other than vehicles carrying or designed by carry passengers upon any roadway not designated as a Thru Streets upon the request of the Street Administrator to stop and answer any questions regarding the weight of the truck, its destination, and its point of origin; and such persons shall also present log book, weight slips, delivery slips, and other written evidence of destination or point of origin, for the Street Administrator's examination.
- F. If any designated Thru Street or portion thereof shall be under repair or otherwise temporarily out of use, motor vehicles of the restricted class shall use such other temporary Thru Streets as may be designated by the Street Administrator, or designee.
- G. In case of an emergency, a temporary permit allowing exceptions to this article may be issued by the Street Administrator or his/her designee.
- H. Trucks used for the collection of solid waste, rubbish, recyclables, and other waste removal services are exempt.
- I. School buses are exempt.

## SIGNS

### 1. Purpose

The purpose and intent of this Chapter ~~632 are~~ is to regulate the size, placement, general appearance, and other characteristics of signs to:

- A. Protect the public welfare and Village-wide property values by preserving the aesthetic qualities of the unique natural environment that distinguishes the Village. The preservation of such environment from excessive and obtrusive signs is a matter of critical importance to the Village due to the natural beauty of the land in the Village while not unlawfully infringing on an individual or group's rights under the First Amendment to the United States Constitution. The intent is for sign regulations to be content-neutral.
- B. Promote the safety of persons and property by providing that signs do not create traffic problems, distractions, or other hazards due to collapse, fire, collision, decay, or abandonment. The number, size, and illumination method of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this section are intended to apply the minimum amount of regulation in order to avoid these problems.
- C. Promote the efficient transfer to the general public of commercial and other identification or information by improving the legibility and effectiveness of signs through the control of their number, location, size, appearance, illumination, and animation.
- D. Regulate and/or eliminate signs that are deemed to be a public nuisance or are non-conforming.
- E. Protect the public's ability to identify and locate establishments and premises.
- F. Protect the natural beauty and distinctive character of the Village.
- G. Protect commercial, business, office, and industrial districts and areas from visual chaos and clutter.
- H. Provide an environment that fosters the reasonable growth and development of business and commerce.
- I. Protect and enhance property values.
- J. Balance the individual rights of property owners to communicate their message with the public's right to be free of unreasonable distractions and aesthetic intrusions.

### 2. Definitions

For the purposes of this Chapter of the codified ordinances of the Village of Lake Isabella, the following definitions shall apply;



- A. Billboard. A sign that identifies or communicates a commercial or noncommercial message related to a use or activity conducted, a service rendered, or a commodity, product, or item sold or conducted at a location other than where the sign is located.
- B. Digital Sign or Billboard. A digital sign or billboard face usually consisting of (or has a portion comprised of) a computer or playback device connected to a large, bright digital screen such as a Liquid Crystal, Light Emitting Diode, computer, plasma, or similar display. Such signs sometimes also utilize electronic changeable copy.
- C. District. Refers to the zoning district within which a parcel or lot is located, as shown on the official zoning map of the Village of Lake Isabella. [All references to various districts shall correspond with the district names in the zoning code of the Village of Lake Isabella.](#)
- D. Ground Level. The surface level of the ground used to calculate the height of a sign, which shall be the normal existing grade prior to any landscaping, excavation, modification, or construction. The creation of mounds, raised earth, or berms is not allowed to be calculated towards the height of a sign above the normal existing grade.
- E. Ground Sign. A permanent, freestanding sign on the ground level measured such that the top of the sign does not exceed the maximum height allowed in that specific district. Signs mounted on wheels, uprights or braces shall be considered a ground sign.
- F. Incidental Sign. Small signs used for orientation, instruction, and direction to such occurrences as, but not limited to, loading zones, handicapped parking, trash collection, hazardous materials, no trespassing, and other like signs. Such sign shall have a sign surface area no larger than four (4) square feet and shall be limited to the minimum number of signs required to adequately convey the desired message.
- G. Landscaping. Materials such as, but not limited to, stones, wood chips, mulch, flowers, shrubs, and other like ornamental vegetation that is used to enhance the ground area around the base of a sign.
- H. Marquee/Canopy Sign. A permanent sign attached to a canopy or awning that projects from and is supported by a building, or a post or poles tied to a building, or a pole over an entranceway, window, or other openings of a building.
- I. Mounted Sign. A non-permanent sign mounted on the ground by means of posts, wire, plastic, or other means that are pushed or stuck into the ground and not fastened to a foundation.
- J. Non-conforming Sign. Any lawful sign that does not conform to the regulations of the Village of Lake Isabella zoning ordinance. Also known as a lawful non-conforming sign.
- K. Off-Premise Sign. A sign located on a parcel that is not owned by the owner of the sign or not associated with the land use conducted on the parcel where the sign is located.

- L. Roof Sign. Any sign which is erected and attached on or above the roof of a building.
- M. Sign. A device, structure, painting, fixture, or placard using color, graphics, symbols, and/or written copy designed and/or utilized for the purpose of advertising or identifying any event, establishment, product, good, service, or displaying or depicting other information.
- N. Square Footage. The measurement of the total surface area of a sign. If a sign has two identically finished sides of the same size, coloring, wording, and the like, for those front and back sign faces, the total square footage is the measurement of one of the finished sign faces. However, for billboards, the total sign area for all sign faces shall be the sign's square footage or area.
- O. Structure. For the purpose of this Chapter, structures that are tied together shall be treated as a single entity, regardless of whether or not the structure is located on one or more parcels, is part of a condominium, planned unit development, or other multiple owner type development during any four (4) month time period.
- P. Temporary Banner Sign. A sign of lightweight fabric, poster board, or similar material, with or without a frame that is attached to a pole or a building.
- Q. Temporary Portable Sign. A freestanding sign not permanently anchored or secured to either a building or the ground, such as, but not limited to, "A" frame, poles temporarily driven into the ground, T-Shaped or inverted T-shaped sign structures which by its construction or nature is able to be moved from one location to another. When on a trailer, the removal of wheels or undercarriage or the anchoring of the sign by means of chains, wires, concrete blocks, sandbags, or other types of temporary anchors, does not change the classification of the sign.
- R. Wall Sign. A sign or channel letters attached directly to, or painted upon a building wall, which does not project more than 18 inches therefrom. The exposed face of the sign must be in a plane parallel to the building wall or structure and may not extend above the height of the building wall or surface. Incidental signs used for safety, parking, loading or unloading zones, and other like signs shall not be used in consideration of the total sign square footage.

### 3. General Regulations

- A. No sign other than an Incidental, Temporary Banner, or Temporary Portable Sign shall be erected, altered, expanded or replaced without first obtaining a permit from the Zoning Administrator of the Village of Lake Isabella as provided in Section 10 of this Chapter. Once the purpose of the sign has ended, ceases to exist, or is over; the sign shall be removed within 30 days. All supporting or structural apparatuses used to provide support for the sign shall also be removed.

- B. No sign shall be placed at any location where by reason of position, size, shape, color, movement or illumination, it interferes with or obstructs the view of, or may be confused with, any authorized traffic sign, signal, or device or such that it interferes with, misleads, or confuses traffic. Consideration of traffic visibility and injurious effect on adjacent properties is essential.
- C. Except for lawful government signs, no sign shall be erected or constructed on or within a public right-of-way, nor shall any sign overhang or be located over a public right-of-way.
- D. Illuminated signs shall conform in all respects to all applicable electrical codes.
- E. Signs shall not be erected or maintained in a manner or location so as to obstruct or interfere with the passage from, along, or through doorways, emergency doors, and windows, or sidewalks.
- F. All signs shall be maintained at all times in reasonable repair and be free of peeling paint or paper, fading, staining, rust, or other conditions that impairs legibility. The owners of all signs that are required to utilize or choose to utilize landscaping shall also maintain such landscaping at all times in a reasonable manner and also free of weeds and litter. Both the owner of a sign and the owner of the property where a sign is located are responsible for sign and landscaping maintenance.
- G. Signs which are permitted to be illuminated may be illuminated internally or externally. All lighting shall be directed downward to prevent light from shining onto roads or residential property. All reflective signs shall be directed downwards. If illuminated externally, light shall be baffled so that its source is not visible from a public right-of-way. If illuminated internally, the sign shall have an opaque or dark background.
- H. No utility pole, light pole, or street sign shall be used for the placement of any sign unless specifically designed and approved by the Village as such.
- I. Digital signs are allowed to incorporate as part of a Ground Sign in the ~~WBC, ECB districts~~ [Coldwater Business District and Neighborhood Mixed Use District](#). Digital signs are regulated in the following manner:
  - 1. Limited to a maximum size of twenty-four (24) square feet.
  - 2. Displayed images shall not flash.
  - 3. Shall not include any audio message.
  - 4. Shall not display an illuminative brightness of such intensity or brilliance that it impairs the vision or endangers the safety and welfare of any pedestrian, cyclist, or operator of any motor vehicle.
- J. No sign shall have ~~any~~ flashing or blinking illumination, oscillating displays or features.

- K. No sign shall have attached to it (or strung to another location) strings of lights or streamers, except seasonal and holiday decorations are permitted in residential districts.
- L. No permanent sign shall obstruct or interfere with any public or private easement.
- M. Roof Signs are not allowed in the Village of Lake Isabella.
- N. Design and Material Guidelines:
  - 1. The amount of information on signs shall be no more than is necessary to provide reasonable identification of the business.
  - 2. Materials, colors, and shapes of proposed signs shall be compatible with the related buildings. Size and proportion of the sign shall not be a dominant feature of the site and shall be judged by sizes and proportions of signs on adjacent and nearby properties that are compatible with the Village character and substantially in compliance with this Chapter.
  - 3. For primary identification signs located in a non-residential district, the sign shall include in Arabic numerals the street address for the location. Numerals shall be between twelve (12) inches and eighteen (18) inches in height.
- O. For all locations ~~in the C-1, East Coldwater Business District, West Coldwater Business District and RLM districts~~ that have multiple businesses located on the same property or in the same building, only the property owner may apply for a sign permit. ~~and a~~All businesses located on one property shall share a common ground sign. All new developments in such districts shall show all signs on their Site Plan Application for review and approval by the Planning Commission and shall also include a completed sign application form.
- P. Any change to a sign that alters the physical size or composition of a sign, excluding the changing of name or face plates of the exact same size, shall require the submittal of a new sign application to the Village of Lake Isabella Zoning Administrator and cannot occur without a new Village sign permit.
- Q. Any sign in violation of this Chapter or the codified ordinances of the Village of Lake Isabella shall be presumed to have been installed by the owner or occupant of the property where the sign is displayed or located.
- R. The overnight parking of delivery vans, delivery trucks, trucks, cube-vans, trailers, semi-vans, or other vehicles and/or trailers displaying logos or other advertising between the hours of midnight and 5:00 AM is prohibited in areas where such vehicle or trailer is visible from any public right-of-way.
- S. No sign not expressly allowed by this Chapter shall be installed, used, or displayed.
- T. Except as otherwise expressly provided, this Chapter does not regulate the following:

1. The content of signs.
  2. Scoreboards at public schools or institutional athletic fields.
  3. Hole identification signs used by a public or private golf course, provided no single sign may be larger than six (6) square feet.
  4. Gravestones or cemetery markers.
  5. Religious symbols.
  6. Noncommercial (i.e., residential) seasonal holiday decorations.
- U. Signs shall meet all setback requirements for buildings in the district involved except as otherwise expressly provided in this Chapter, and the setback for signs from a public road right-of-way shall be at least ten (10) feet (or such greater distance as this Chapter shall provide).
- V. Signs which are not regulated by this Chapter are limited to:
1. Signs that are not visible to motorists, watercraft, or pedestrians on any street, waterbody, adjacent parcel, or public lands.
  2. Located inside a building.
  3. Legal postings required by law.
  4. Signs erected under statutory or ordinance authority by any federal, state, county, or municipal entity.

#### 4. Permant Sign District Regulations

##### A. Ground Signs.

District	Max Number of Signs	Total Sign Area Per Parcel	Max Height	Illumination Allowed	Landscaping Required
<ul style="list-style-type: none"> <li>▪ LR-1</li> <li>▪ LR-2</li> <li>▪ LR-3</li> <li>▪ LR-4</li> <li>▪ MDR</li> <li>▪ AR</li> </ul>	1	9 ft <sup>2</sup>	4 ft	Yes	Yes
<ul style="list-style-type: none"> <li>▪ <del>W</del>CB</li> <li>▪ <del>E</del>CB</li> </ul>	2	90 ft <sup>2</sup> 120 ft <sup>2</sup> *	12 ft 10 ft*	Yes	Yes
<ul style="list-style-type: none"> <li>▪ <del>C-1</del>NMU</li> <li>▪ AC</li> </ul>	1	24 ft <sup>2</sup>	6 ft	Yes	Yes
<ul style="list-style-type: none"> <li>▪ RL<del>M</del></li> </ul>	1	32 ft <sup>2</sup>	10 ft	Yes	Yes
<ul style="list-style-type: none"> <li>▪ OSR</li> </ul>	2	40 ft <sup>2</sup>	8 ft	Yes	Yes
<ul style="list-style-type: none"> <li>▪ Ag</li> </ul>	1	16 ft <sup>2</sup>	8 ft	Yes	Yes

▪ <a href="#">LR-5</a>					
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\* If the tallest point on any sign is equal to, or less than, 10 feet, the total parcel signage may be increased from 90 ft<sup>2</sup> to 120 ft<sup>2</sup>.

B. Wall, Marquee, and Canopy Signs.

District	Max Number of Signs per Parcel	Max Total Signage Area	Illumination Allowed
<ul style="list-style-type: none"> <li>▪ LR-1</li> <li>▪ LR-2</li> <li>▪ <a href="#">LR-3</a></li> <li>▪ <a href="#">LR-4</a></li> <li>▪ <a href="#">MDR</a></li> <li>▪ AR</li> </ul>	Not Permitted		
<ul style="list-style-type: none"> <li>▪ <del>W</del>CB</li> <li>▪ <del>E</del>CB</li> </ul>	12	216 ft <sup>2</sup>	Yes
<ul style="list-style-type: none"> <li>▪ <del>C-1</del>NMU</li> <li>▪ AC</li> </ul>	2	36 ft <sup>2</sup>	Yes
<ul style="list-style-type: none"> <li>▪ <del>RL</del><del>M</del></li> </ul>	Not Permitted		
<ul style="list-style-type: none"> <li>▪ OSR</li> </ul>	4	72 ft <sup>2</sup>	Yes
<ul style="list-style-type: none"> <li>▪ <a href="#">Ag</a></li> <li>▪ <a href="#">LR-5</a></li> </ul>	Not Permitted		

C. Mounted Signs.

District	Max Size Allowed	Max Height Allowed	Illumination Allowed
<ul style="list-style-type: none"> <li>▪ LR-1</li> <li>▪ LR-2</li> <li>▪ <a href="#">LR-3</a></li> <li>▪ <a href="#">LR-4</a></li> <li>▪ <a href="#">MDR</a></li> <li>▪ AR</li> </ul>	8 ft <sup>2</sup>	4 ft	No
<ul style="list-style-type: none"> <li>▪ <del>W</del>CB</li> <li>▪ <del>E</del>CB</li> </ul>	24 ft <sup>2</sup>	6 ft	No
<ul style="list-style-type: none"> <li>▪ <del>C-1</del>NMU</li> <li>▪ AC</li> </ul>	20 ft <sup>2</sup>	6 ft	No
<ul style="list-style-type: none"> <li>➤ <del>RL</del><del>M</del></li> </ul>	20 ft <sup>2</sup>	6 ft	No
<ul style="list-style-type: none"> <li>➤ OSR</li> </ul>	12 ft <sup>2</sup>	6 ft	No
<ul style="list-style-type: none"> <li>➤ <a href="#">Ag</a></li> <li>➤ <a href="#">LR-5</a></li> </ul>	20 ft <sup>2</sup>	6 ft	No

## 5. Temporary Banner Signs

Temporary banner signs are hereby declared to be a public nuisance and the regulated use of such signs is warranted to minimize the proliferation of such signs. Temporary banner signs may be placed in all non-residential districts. A Temporary Banner Sign may be displayed for up to ninety (90) days during any calendar year and may not exceed twenty-five (25) square feet in size. No parcel or lot shall have more than fifty (50) square feet of temporary banner signs displayed at one time. Temporary Banner Signs shall be limited in height according to the following table:

6 ft	12 ft
▪ LR-1	▪ LR- <del>5</del> <sup>3</sup>
▪ <u>LR-2</u>	▪ <del>WCB</del>
▪ <u>LR-3</u>	▪ <del>ECB</del>
▪ <u>LR-4</u>	▪ <u>NMU</u> <del>C-1</del>
▪ <u>MDR</u>	▪ <u>RL</u> <del>M</del>
▪ AR	▪ OSR
▪ AC	▪ Ag

## 6. Temporary Portable Signs

Temporary portable signs are hereby declared to be a public nuisance and the regulated use of such signs is warranted to minimize the proliferation of such signs. Temporary portable signs may be used in all non-residential districts for a period not to exceed sixty (60) days during any six-month time period. Temporary portable signs may be no larger than twenty-four (24) square feet. All temporary portable signs must conform to the general sign regulations and district provisions for signs and shall not be placed in a public right-of-way.

## 7. Billboards

Billboards are an off-premise sign allowed in the ~~Agricultural~~ and RLI districts~~Industrial district~~ provided that the following conditions are met:

- A. The maximum size of a billboard shall be no larger than three hundred sixty (360) square feet (including all sign faces).
- B. Billboards are permitted to have changing face plates, provided that it is done via conventional mechanical materials and is not done pursuant to a Liquid Crystal Display, Light Emitting Diode, or digital display. No billboard shall utilize a Liquid Crystal, Light Emitting Diode, or digital display or face.
- C. All lighting shall be directed downwards.
- D. The maximum height of any billboard shall be no greater than twenty-four (24) feet above the established street elevation.

- E. A minimum distance of one thousand three hundred twenty (1,320) feet shall be maintained between billboards.
- F. A minimum distance of three hundred (300) feet from the nearest residential building.
- G. Only one (1) billboard is allowed per parcel or lot.
- H. Billboards are allowed only on a lot or parcel with no building.
- I. No billboard shall be approved, installed, or erected at any time when there are one or more existing billboards located within the Village of Lake Isabella.

## **8. Non-conforming Signs**

Every permanent sign which was erected legally and which lawfully existed at the time of the enactment of this Chapter, which does not conform to this Chapter, is hereby deemed to be non-conforming.

Non-conforming signs may not be altered, expanded, replaced, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign until the time allotted for amortization has expired.

For purposes of this section, a non-conforming sign may be diminished in size or dimension without jeopardizing the privilege of non-conformity, so long as the cost of the change does not exceed fifty percent (50%) of the cost of replacing the entire sign and the change moves toward or into compliance with this section.

Any non-conforming sign destroyed by fire, accident, or other casualty loss shall not be restored or rebuilt if the cost of reconstruction or repair will constitute more than fifty percent (50%) of the cost of replacing the sign as of the date of loss.

## **9. Appeal Process**

Any person, firm, corporation, trust, partnership, or other legal entity which desires to appeal the denial of a sign permit, to seek an exemption from the size, height, or location requirements of this Chapter, or to appeal a decision by the Zoning Administrator may do so by appealing such, in writing, to the Village Council. The Village Council may establish a reasonable fee to accompany such applications to cover expenses incurred by the Village in hearing the appeal. Upon receipt of the appeal, the Village Council shall conduct a public hearing at the next regular Village Council meeting. Notice of the public hearing will be mailed via first-class mail to all property owners located within three hundred (300) feet of the parcel where the sign is proposed at least seven (7) days in advance of the public hearing. The decision of the Village Council shall be final, and no such matter may be appealed more than once in any twelve (12) month period. The amortization date of any sign shall not be appealable.

## **10. Permits**



Unless otherwise provided by this Chapter, no sign may be installed or utilized until and unless the Village has issued a permit for the sign. The application for a sign permit must include and show all of the following:

- A. The name of the applicant (and owner of the premises, if different than the applicant).
- B. The size of the sign.
- C. Plans, placement, and specifications for the sign.
- D. Illumination, if any.
- E. The proposed method of construction, erection, structural alteration, or relocation, and a description of the equipment to be used for such work.
- F. The payment of any required fee or fees.

## LAND DIVISION REGULATIONS

### 1. Purpose

The purpose of this chapter is to regulate the partitioning, splitting, division, and combining of land within the Village of Lake Isabella in order to promote the public health, safety, and general welfare. It is also intended to further the orderly layout and use of land and to require that land be suitable for building sites and public improvements. Also, to ensure that provisions are made for adequate drainage, ingress, and egress, and to ensure that all land divisions are correctly and accurately approved, recorded, and filed.

All of which shall be done in accordance with the Michigan Land Division Act (PA 288 of 1967 as amended) and the ordinances of the Village of Lake Isabella.

### 2. Definitions

As used in this chapter, the following words shall be defined as such:

- A. Accessible. Shall mean that every new parcel created either through division, splitting, or by combination shall have ingress/egress availability on at least one (1) recorded road, either public or private. For the purposes of this code, a private road must be approved by the Village Planning Commission or Village Council and shall be built to the standards of the Village street system.
- B. Applicant. Shall mean the owner(s), or their legal representatives, of any land requesting the change of boundaries as outlined within this code and allowed under the Michigan Land Division Act (Public Act 288 of 1967 as amended).
- C. Combine. Shall mean the process and action of combining properties of common ownership into one (1) or more properties.
- D. Divide. Shall mean the partitioning or splitting of a parcel or tract of land by the recorded owner(s) thereof, including legal representatives of the owner(s).
- E. Exempt Split. Shall mean the partitioning or splitting of a parcel or tract of land by the owner(s) thereof, including legal representatives of the owner(s) that does not result in one (1) or more parcels less than forty (40) acres in size, or; a property transfer between two (2) or more adjacent parcels as allowed under the codified ordinances of the Village of Lake Isabella and the Michigan Land Division Act (Public Act 288 of 1967 as amended).
- F. Lot. Shall mean a tract of land measured per the descriptions and/or map in a recorded plat.
- G. Lot Split. Shall mean the process and action of changing the boundaries of property within a recorded plat. This may include the splitting of one (1) lot into the boundaries of two adjoining lots.

- H. Parcel. Shall mean a piece of legally created land.
- I. Parent Parcel. Shall mean a recorded tract of land ~~which~~ that can legally described with certainty and is capable of being surveyed. Under the amendments to Public Act 288 of 1967, any parcel legally existing on March 31st, 1997, became a parent parcel.
- J. Plat. Shall mean the subdivision of land with a recorded map done in accordance with the platting requirements contained in Michigan Law, mainly Public Act 288 of 1967 as amended.
- K. Record or Recorded. Shall mean a document, including but not limited to, a deed, map, plat, survey, contract, site plan, and other such similar documents that ~~has~~ have been recorded by "Page and liber" with the Isabella County Register of Deeds.

### 3. Application Requirements

All applications shall contain the following information.

- A. Complete name, current mailing address, and phone number of the owner(s) of the property seeking changes to its boundary.
- B. A completed professional survey of the land(s) proposed to be divided, split, or combined.
- C. Complete legal descriptions of all land(s) proposed to be divided, split, or combined.
- D. The Tax ID/parcel numbers of all parcels proposed to be split, divided, or combined.
- E. A map to scale of the original parent parcel of the land(s) proposed to be divided, along with any splits or divisions from that original parent parcel. If any land is proposed to be combined with land from an adjacent parent parcel, maps of both parent parcels shall be required.
- F. All maps and surveys will be drawn to a scale not greater than 1" for every 20' for proposed parcels equal to or less than 3 acres in size, and 1' for every 100' for all proposed parcels greater than 3 acres in size.
- G. All maps and surveys shall contain the date of creation of the document, the scale, north arrow.
- H. At least one map showing all existing structures, property boundaries, drives, and easements within 200 feet of the properties proposed to be divided. This may be done on the map showing the original parent parcel.
- I. If any new public or private road(s) are to be created for ingress and egress to any proposed split, documents shall be provided showing the material composition of such roads and methods for handling drainage. All proposed roads shall meet the street specifications of the Village of Lake Isabella.

- J. If there are any remaining splits of the parent parcel remaining, the exact number of those splits and who retains the rights of those splits.
- K. The required affidavit has been completed in full.

#### 4. Application Review Standards

All applications shall be reviewed on the following criteria.

- A. The proposed splits/divisions are in conformity ~~to~~ with the zoning code of the Village of Lake Isabella.
- B. All taxes and liens have been paid in full.
- C. There are no outstanding zoning violations of the property.
- D. Proper ingress and egress have been provided for either by public or private roads.
- E. There are splits of the property remaining that are sufficient for the application.

#### 5. Land Division Regulations

Except for exempt splits, the following regulations shall be in place.

- A. No lands within the Village limits shall be divided or combined without the prior review and approval of the Village of Lake Isabella. Unless otherwise designated by resolution, the recognized municipal official with the authority to approve the division or combination of lands shall be the Lake Isabella Zoning Administrator who shall only approve the division or combination of lands in accordance to the codified ordinances of the Village of Lake Isabella and the Michigan Land Division Act (Public Act 288 of 1967 as amended).
- B. No division, split, or other changing of boundaries shall be approved or recognized by the Village of Lake Isabella unless all real property taxes (Village, Township, and County) have been paid in full.
- C. No division, split, or other changing of boundaries shall be approved or recognized by the Village of Lake Isabella unless all public liens and special assessments (Village, Township, and County) have been paid in full.
- D. No division, split, or other changing of boundaries shall be approved or recognized by the Village of Lake Isabella on a property where there are any outstanding violations or unpaid civil infraction tickets issued.
- E. All new parcels and/or lots shall have access for ingress and egress to either a public right-of-way or private sixty-~~six~~ six-foot wide (66') easement of record. If the new road or easement is intended for ingress/egress of five or more new parcels, it shall be paved, by the owner(s) of the property requesting the split/division. All new and proposed roads shall be built to the specifications of the Village of Lake Isabella street

standards and shall be named in accordance with the adopted naming policy of the Village of Lake Isabella.

- F. All new parcels and/or lots shall comply to the zoning code of the Village, including, but not limited to the size and dimension requirements of the code for the zoning district that the proposed split is located in, no proposed division or split shall be approved, accepted, or recognized by the Village which would create a non-conformity to the zoning code.
- G. ~~Prior to any zoning permit being issued by the Village on any newly split or divided parcel, a copy of the recorded deed of such property shall be submitted to the Village in order~~Before a zoning permit may be issued by the Village on any newly split or divided parcel, a copy of the recorded deed of such property shall be submitted to the Village to verify that the proper legal description has been applied to the property.
- H. All letters of approval by the Village shall contain the following statement.- “Approval of such division does not guarantee the ability to obtain permits necessary for the construction of a structure, and the Village is not liable or responsible if such property fails to obtain a permit of any nature, including those related to onsite wells and septic systems.”
- I. Upon the approval of any split or division, the Village Manager shall also include in the official notice of approval the street addresses of the new parcels.

## 6. Fees & Costs

The Village Council shall establish fees to cover the costs associated with the application, review, and approval process for land divisions, splitting, and combinations by resolution, and may, from time to time as needed or desired, amend the fees charged for such work by resolution.

## UNIFORM ~~HOUSE~~ NUMBERING & ADDRESSING

### 1. Purpose

In order to uniformly assign and maintain property addresses~~house numbers~~ and provide for easy identification of those numbers for various purposes, including but not limited to the implementation of 9-1-1 service and to promote the health, safety, and welfare of citizens of the Village of Lake Isabella, the Village of Lake Isabella enacts the following Uniform ~~House~~-Numbering & Addressing system for all property located along roadways found within the Village of Lake Isabella.

### 2. Definitions

For the purposes of Chapter 624 of the codified ordinances of the Village of Lake Isabella, the following definitions shall apply;

- A. HouseAddress Number. ~~S~~shall mean the address number assigned to consecutive lots and or tracts of land along a street, road, or thoroughfare pursuant to ~~this Chapter to the Number Assignment Formula contained herein.~~
- B. Display. This is the manner the houseaddress number is affixed to a structure so that it is readily identifiable pursuant to the provisions of this Chapter.
- D. Lot. Means a lot as platted in each Village of Lake Isabella subdivision or a tract of land within the Village of Lake Isabella boundaries.
- E. Point of Origin. ~~m~~Means generally, the street entrance closest in proximity to the Village's operation office as of September 2001, as driven from that location (1096 Queens Way).
- F. Primary Structure. Shall include but not be limited to residential buildings, airport residential, commercial buildings, industrial buildings, office buildings, and public buildings.

### 3. ~~House~~Address Number Display

Each primary structure shall display an address~~house~~ number on the primary structure facing the street for the address being used. The mailbox shall be placed at a safe location near the edge of the street for which the address is being used with the address~~house~~ numbers placed on the side of the mailbox, or post facing along the street, in the direction of the point of origin. Primary structures without a mailbox must have a sign near the street right-of-way facing the "address street" displaying the address~~house~~ number. An address~~house~~ number shall not be displayed containing numbers less than 3 inches (7.62 centimeters) in height. It shall be visible from the roadway named in the address, and all house numbers shall be in Arabic numerals.

The Street Administrator, subject to the direction and supervision of the Village Manager, is hereby empowered to promulgate rules for house number display.- Said rules shall be effective upon approval of the Village of Lake Isabella Village Council. The Village of Lake Isabella Village Council may adopt administrative rules and regulations in conjunction with the ~~adopting adoption~~ of this ~~chapter~~Chapter.

#### 4. Administration of ~~House~~Address Numbering System

- A. Beginning from the point of origin on each street, house address numbers shall be assigned for each lot, with each lot on the right-hand side of the road as one leaves the point of origin being assigned an even number, and each lot on the left-hand side as one leaves the point of origin being assigned an odd number. The numbers assigned shall increase progressively/sequentially.
- B. The Street Administrator shall administer this system and shall draft rules and regulations for the operation of the Address ~~House~~-Numbering System and the assignment of address~~house~~ numbers for all lots along roadways emanating from the point of origin, pursuant to the Chapter.- Said rules and regulations shall be ~~recommended by the Village of Lake Isabella Street Committee and~~ approved by the Village of Lake Isabella Village Council before they take effect.
- C. The County of Isabella house numbering system shall be used to number properties along the roads ~~which~~ that are under the jurisdiction of the Isabella County Road Commission.
- D. The Village Manager shall cause to be created and maintained an accurate map of all roads within the Village of Lake Isabella and shall make ~~house~~address numbers available for each lot along the roadway.- Said map shall be the official repository of said address~~house~~ number assignments.
- E. Address~~House~~ numbers shall not be assigned along any public road until the ~~Village of Lake Isabella Street Committee has recommended a name for said road and approved by the Village of Lake Isabella~~ Village Council has approved the name of said road or street. Address~~House~~ numbers shall not be assigned along any unplatted private road or access easement of record where the name of said unplatted private road or access easement has not been registered with and approved by the Village of Lake Isabella Village Council.- This does not mean the Village of Lake Isabella is responsible for the maintenance of the private road.
- F. Existing address~~house~~ numbers that do not comply with the Village of Lake Isabella Address~~House~~-Numbering System shall be changed either at the request of the property owner or his or her agent(s) upon approval of the Street Administrator or such change shall be initiated by the Village of Lake Isabella.- When the Village of Lake Isabella initiates a change, the property owner shall be notified in writing 30 days prior to the

time the new number shall become the official number for the lot(s) of the property in question.- It shall be a violation of this ~~chapter~~[Chapter](#) to use a number other than the number provided by the Village of Lake Isabella.

- G. The Street Administrator shall, upon application by a landowner, assign [an address](#) ~~house~~ number and approve the display; provided said display is consistent with the provisions for display as contained herein.



## RIGHT-OF-WAY REGULATIONS

### 1. Compliance Required

No person shall excavate, cut, or otherwise work within, cause any damage to, place any article in, or obstruct any street or public right-of-way in the Village, except provided in this chapter.

### 2. Placement of Wires

The placement and maintenance of aerial or aboveground wires, cable, lines, conduit, and utility poles in, on or across the streets or public rights-of-way of the Village, is prohibited. All new wires, cable, lines, conduit, and similar transmission materials shall be placed underground pursuant to a permit issued as provided in this chapter.

### 3. Permit Required & Obstructions

- A. Except for work performed under a contract with the Village, no work shall take place in a public right-of-way or street without a permit issued by the Village of Lake Isabella Street Administrator.- All work permitted in the public right-of-way or street is subject to the following conditions:
1. No zoning permit for construction or alteration of any structure requiring utility lines shall be issued permits required under this chapter for such utility work unless full compliance is adhered to as contained herein.
  2. All work shall be performed in such a fashion so as to minimize inconvenience to pedestrian and vehicular traffic and to protect the public health and safety.- The Village Street Administrator may limit construction times, may require changes in precautionary measures and may otherwise impose reasonable requirements to enhance public health and safety and to enhance pedestrian and vehicular traffic flow.- However, the responsibility for the public health and safety shall lie solely with the person(s) performing the work pursuant to any permit.- No dirt or other material shall be placed on sidewalks or roadways unless authorized by the Street Administrator.
  3. All facilities, both below ground and above ground, shall be constructed, installed and located only as permitted by the Street Administrator and in accordance with Village standards and specifications.- If at any time the position of the utility lines or other facilities interfere with any work the Village plans to perform or allow to be performed in, on or over the street or public right-of-way, it shall be the responsibility of the owner of the utility lines or other facilities, at that ~~owner's~~ owner's sole expense, to remove or relocate the lines or other facilities to a location satisfactory to the Village.

4. Persons performing the work shall obtain and maintain any other permits or approvals that may be required by other local, state, or federal agencies and/or utilities.
  5. When the work is fully completed, the street or public right-of-way shall be restored to the condition it was in prior to that work.
  6. Anyone doing work in a street or right-of-way pursuant to a permit shall hold the Village (which, for purposes of this requirement, includes its officers and employees) harmless from, indemnify the Village for and defend the Village (with legal counsel reasonably acceptable to the Village) against any pending or threatened claim, cause of action, administrative proceeding, award, judgment or order, for any injuries, deaths or property damage which may arise as a result of the work done under the permit.
  7. No tree with a trunk equal to or exceeding ~~6~~ eighteen inches (18") in diameter shall be cut in any public right-of-way unless express written permission is granted by the Village of Lake Isabella Street Administrator prior to the removal of the trees.- Any tree with a trunk diameter equal to or greater than ~~6~~ eighteen inches (18") that is removed in a public right-of-way shall be removed to ground level by the person, firm, agent, or agency removing the tree.
  8. A driveway permit and/or other means of ingress/egress shall not be approved by the Village of Lake Isabella to any parcel located completely or partially outside of the Village of Lake Isabella unless any development, structures, and uses on such parcel fully conform to the standards and requirements of the Village of Lake Isabella zoning code applicable to the zoning requirements for the nearest parcel located within the Village of Lake Isabella.
  9. The Village of Lake Isabella, its employees, and assigns shall not be held liable or responsible for the placement of any fencing, landscaping, or other item within a public right-of-way or road owned by or within the jurisdiction of the Village of Lake Isabella.- No person, firm, agent, or other entity shall place or remove fencing, landscaping, or any other non-vegetative obstruction or item within a public right-of-way or road owned by or within the jurisdiction of the Village of Lake Isabella without first obtaining a permit from the Village.- The Village may require that any fence, landscaping, or other item located within a public road right-of-way or road owned by or within the jurisdiction of the Village of Lake Isabella be removed at any time (regardless of whether a permit or approval for such items was given by the Village of Lake Isabella) if the Village of Lake Isabella determines that such item constitutes a traffic hazard, has not been maintained, or is aesthetically offensive.
- B. Permits authorized by this chapter shall be obtained by making application to the Village of Lake Isabella Street Administrator, accompanied by fees established from time-to-time by Village Council resolution.

C. Leaves, Debris, Snowplowing, and Related Activities.

1. A person, firm, corporation, or any other entity shall not place or deposit, or cause to be placed or deposited, snow, ice, slush, leaves, or debris onto, into, or across any roadway or highway.- This prohibition shall include, but not be limited to, snowplowing and snow blowing.
2. A person, firm, corporation, or other entity shall not remove or place, or cause to be removed or placed, snow, ice, slush, leaves, or debris onto, into, or across a roadway or highway or the shoulder of the roadway or highway in a manner which interferes with traffic or obstructs the safety vision of the driver of a motor vehicle other than off-road vehicles.- For the purpose of this subsection, "safety vision" is defined as an unobstructed line of sight enabling a driver to travel upon, enter, or exit a roadway or highway in a safe manner.

**4. Insurance & Bonds**

A permit applicant shall provide proof of general liability insurance that includes the Village (including its officers and employees) as an insured or additional insured.- Such insurance shall provide coverage in an amount not less than the following: a minimum of \$1,000,000.00 for public liability and \$1,000,000.00 for property damage.- A duplicate executed copy of the original of such certificate of insurance showing the insurance to be in place and the premium fully paid shall be filed with the Village.- Such insurance shall provide that coverage may not be terminated or modified without at least 15 days prior written notice to the Village.- Upon request of the Village, copies of the policies and all endorsements shall be filed with the Village.- In addition, any contractors desiring to obtain permits shall file surety bonds in an amount sufficient to assure completion of the work and restoration of the street or right-of-way as required in this chapter with a minimum amount of \$20,000.00 for a single, small, simple cut or excavation.

**5. Prohibition after Paving or Resurfacing**

No permit to make any opening or excavation in or under a paved street shall be granted to any person within a period of 2 years after the completion of any paving or resurfacing unless those doing the work provide a seamless re-surfacing of an area determined to be appropriate given the size of the paving or resurfacing project.- The Village Council may suspend this prohibition where a street opening is required to protect the public health or safety.

**6. Traffic Protection**

All openings, excavations, and obstructions shall be properly barricaded and railed off and provided with prescribed nighttime warning lights all in a manner so as to provide protection in a manner consistent with general industry practice or as further enhanced by

the direction of the Village Manager.- All traffic control devices shall conform to the Michigan Manual of Uniform Traffic Control Devices.

### 7. Removal of Encroachment

Any encroachment, obstruction, or excavation in a street or public right-of-way which was not permitted under this chapter shall be removed upon notice by the Village Street Administrator.- If, due to a lack of knowledge of who is responsible for the encroachment, obstruction, or excavation, due to the exigency of the circumstances, or due to a failure of a notified party to remove it, the Village undertakes its removal, the expense of doing so shall be the responsibility of the persons or parties responsible for the encroachment, obstruction or excavation.

### 8. Complete Installation

Any installation of wires, cables, lines, conduit, or similar transmission materials in the vicinity of the public right-of-way shall be completed such that no such materials are left lying upon or over the street or public right-of-way or placed in or upon trees or other vegetation located in the right-of-way.

### 9. As-Builts

Upon the completion of any work in any street or right-of-way, the person(s) performing such work shall file with the Village detailed, as-built drawings showing what was installed in what location, what materials were used in restoration and such other information as may be required by the Village Manager.

### 10. Wireless Facilities in the Right-of-Way

1. For purposes of this ~~section~~Section, the following words, terms, and phrases shall be defined as follows:

Act. Shall mean Public Act 365 of 2018, as amended, the Small Wireless Communications Facilities Deployment Act

Co-locate. Means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. "Co-location" has a corresponding meaning. Co-locate does not include make-ready work or the installation of a new utility pole or new wireless support structure.

Public right-of-way or ROW. Means the area on, below, or above a public roadway, highway, street, alley, bridge, sidewalk, or utility easement dedicated for compatible uses. Public right-of-way does not include any of the following:

1. A private right-of-way.
2. A limited-access highway.
3. Land owned or controlled by a railroad as defined in section 109 of the railroad code of 1993, 1993 PA 354, MCL 462.109.

4. Railroad infrastructure.

Small cell wireless facility. Means a wireless facility that meets both of the following requirements:

1. Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.
2. All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Utility pole. Means a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements in section 13(5) and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than 15 feet in height above ground.

Wireless facility. Means equipment at a fixed location that enables the provision of wireless services between user equipment and a communications network, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes a small cell wireless facility. Wireless facility does not include any of the following:

1. The structure or improvements on, under, or within which the equipment is co-located.
2. A wireline backhaul facility.
3. Coaxial or fiber-optic cable between utility poles or wireless support structures or that otherwise is not immediately adjacent to or directly associated with a particular antenna.

Wireless infrastructure provider. Means any person, including a person authorized to provide telecommunications services in this state but not including a wireless services provider, that builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures and who, when filing an application with the Village under this ~~section~~[Section](#), provides written authorization to perform the work on behalf of a wireless services provider.

Wireless provider. Means a wireless infrastructure provider or a wireless services provider. Wireless provider does not include an investor-owned utility whose rates are regulated by the MPSC.

Wireless services. Means any services, provided using permitted or unpermitted spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

Wireless services provider. Means a person that provides wireless services.

Wireless support structure. Means a freestanding structure designed to support or capable of supporting small cell wireless facilities. Wireless support structure does not include a utility pole.

All other terms and phrases used herein shall be defined consistent with the Act.

B. Permit Required.

A wireless provider may not co-locate a small cell wireless facility or install, modify, or replace a utility pole or wireless support structure on which a small cell wireless facility will be co-located within the public right-of-way without first applying for and receiving a small cell wireless permit from the Village of Lake Isabella in a form and subject to such terms and conditions as are acceptable to the Village.

C. Permitting Process.

The processing of an application for a permit under this ~~section~~ Section is subject to all of the following:

1. An application in such form as prepared by the Village of Lake Isabella shall be completed and submitted as set forth in this ~~section~~ Section.
2. The Village Clerk may require an applicant to provide information and documentation to enable the Village Council to make a compliance determination with regard to the criteria in this ~~section~~ Section involving, without limitation, subsection (d)(3). The Village Clerk may also require a certificate of compliance with FCC rules related to radio frequency emissions from a small cell wireless facility.
3. If the proposed activity will occur within a shared ROW or a ROW that overlaps another ROW, a wireless provider shall provide, to each affected jurisdiction, to which an application for the activity is not submitted, notification of the wireless provider's intent to locate a small cell wireless facility within the ROW. The Village Clerk may require proof of other necessary permits, permit applications, or easements to ensure all necessary permissions for the proposed activity are obtained.
4. The Village Clerk may require an applicant to attest that the small cell wireless facilities will be operational for use by a wireless services provider within 1 year after

the permit issuance date, unless the Village Council and the applicant agree to extend this period or delay is caused by lack of commercial power or communications transport facilities to the site.

5. An applicant may, at the applicant's discretion, file a consolidated application and receive a single permit for the co-location of up to 20 small cell wireless facilities within the Village of Lake Isabella. The small cell wireless facilities within a consolidated application must consist of substantially similar equipment and be placed on similar types of utility poles or wireless support structures. The Village Council may approve a permit for ~~1~~one or more small cell wireless facilities included in a consolidated application and deny a permit for the remaining small cell facilities.
6. The application for a permit under this ~~section~~Section shall be accompanied by an application fee as set by resolution of the Village Council from time to time.
7. The permit application shall be accompanied by a map(s) for any proposed small cell wireless facilities, which shall be legible, to scale, labeled with streets, and contain sufficient detail to precisely identify the proposed small cell wireless facilities' locations and surroundings. Where applicable, the required map(s) shall include and identify any requested pole height(s), all attachments and detailed drawings of any attachment.
8. The permittee shall field-stake all proposed locations for small cell wireless facilities, which shall be subject to the advance approval of the Village of Lake Isabella, Isabella County Road Commission and/or the Michigan Department of Transportation as applicable. All approved small cell wireless facilities' locations shall be on a per pole/equipment/other basis.
9. Once precise locations have been approved, the permittee shall provide latitude and longitude coordinates for the small cell wireless facilities' locations to the Village's engineering consultant as well as detailed as-built drawings within 90 days of the completion of installation.
10. The permittee shall be responsible for obtaining such other permits and approvals as otherwise required by law.

D. Determination.

1. Within 25 days after receiving an application, the Village Clerk shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall clearly and specifically identify all missing documents or information.
2. Upon receipt of a complete application, the Village Council shall approve or deny the application and notify the applicant in writing within the following period of time after the completed application is received:

- a) For an application for the co-location of small cell wireless facilities on a utility pole, 60 days, subject to the following adjustments:
    - i) Add 15 days if an application from another wireless provider was received within ~~1~~one week of the application in question.
    - ii) Add 15 days if, before the otherwise applicable 60-day or 75-day time period elapses, the Village Clerk notifies the applicant in writing that an extension is needed and the reasons for the extension.
  - b) For an application for a new or replacement utility pole that meets the height requirements of section 13(5)(a) of the Act and associated small cell facility, 90 days, subject to the following adjustments:
    - i) Add 15 days if an application from another wireless provider was received within 1 week of the application in question.
    - ii) Add 15 days if, before the otherwise applicable 90-day or 105-day time period elapses, the Village Clerk notifies the applicant in writing that an extension is needed and the reasons for the extension.
    - iii) If the Village Clerk fails to comply with this subsection, an application otherwise complete is considered to be approved subject to the condition that the applicant provides the Village not less than ~~seven~~7 days' advance written notice that the applicant will be proceeding with the work pursuant to this automatic approval and the applicant shall be responsible for complying with all provisions of this ~~section~~Section and the Act.
    - iv) The Village Council and an applicant may extend a time period under this subsection by mutual agreement.
3. The Village Council may deny a completed application for a proposed co-location of a small cell wireless facility or installation, modification, or replacement of a utility pole that meets the height requirements in section 13(5)(a) of the Act if the proposed activity would do any of the following:
- a) Materially interfere with the safe operation of traffic control equipment.
  - b) Materially interfere with sight lines or clear zones for transportation or pedestrians.
  - c) Materially interfere with compliance with the Americans with Disabilities Act of 1990, Public Law 101-336, or similar federal, state, or local standards regarding pedestrian access or movement.
  - d) Materially interfere with maintenance or full unobstructed use of the Lake Isabella Airport.
  - e) With respect to drainage infrastructure under the jurisdiction of the Village, either of the following:



- i) Materially interfere with maintenance or full unobstructed use of the drainage infrastructure as it was originally designed.
    - ii) Not be located a reasonable distance from the drainage infrastructure to ensure maintenance under the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, and access to the drainage infrastructure.
  - f) Fail to comply with reasonable, nondiscriminatory, written spacing requirements of general applicability adopted by the Village of Lake Isabella by ordinance, or otherwise, that apply to the location of ground-mounted equipment and new utility poles and that does not prevent a wireless provider from serving any location. The spacing requirement for all ground-mounted equipment and new utility poles shall be not less than 500 linear feet from ground-mounted equipment and utility poles.
  - g) Fail to comply with applicable codes.
  - h) Fail to comply with any provision of this ~~section~~[Section](#).
  - i) Fail to meet reasonable, objective, written stealth or concealment criteria for small cell wireless facilities applicable in a historic district or other designated area, as specified in an ordinance or otherwise and non-discriminatorily applied to all other occupants of the ROW, including electric utilities, incumbent or competitive local exchange carriers, fiber providers, and cable television operators.
4. Within ~~1~~[one](#) year after a permit is granted, a wireless provider shall complete co-location of a small cell wireless facility that is to be operational for use by a wireless services provider, unless the Village Council and the applicant agree to extend this period or the delay is caused by the lack of commercial power or communications facilities at the site. If the wireless provider fails to complete the co-location within the applicable time, the permit is void, and the wireless provider may reapply for a permit.
  5. Approval of an application authorizes the wireless provider to do both of the following:
    - a) Undertake the installation or co-location.
    - b) Subject to relocation requirements that apply to similarly situated users of the ROW and the applicant's right to terminate at any time, maintain the small cell wireless facilities and any associated utility poles or wireless support structures covered by the permit for so long as the site is in use and in compliance with the initial permit under this act.
  6. The Village may propose an alternate location within the ROW or on property or structures owned or controlled by the Village within 75 feet of the proposed location to either place the new utility pole or co-locate on an existing structure. The

- applicant shall use the alternate location if, as determined by the applicant, the applicant has the right to do so on reasonable terms and conditions and the alternate location does not impose unreasonable technical limits or significant additional costs. The Village may request a written confirmation of any decision rendered by the applicant under this subsection and the specific basis for the same.
7. Nothing herein shall prohibit the Village of Lake Isabella from requiring a separate ROW access permit for work that will unreasonably affect traffic patterns or obstruct vehicular or pedestrian traffic in the ROW.
  8. As a condition of the issuance of a permit, the applicant shall obtain and maintain a bond, in the amount of \$1,000.00 per small cell wireless facility, in a form reasonably satisfactory to the Village, for the small cell wireless facilities as applicable to similarly situated users of the ROW for one or more of the following purposes:
    - a) To provide for the removal of abandoned or improperly maintained small cell wireless facilities, including those that an authority determines should be removed to protect public health, safety, or welfare.
    - b) To repair the ROW as provided under the Act.
    - c) To recoup rates or fees that have not been paid by a wireless provider in more than 12 months, if the wireless provider has received 60-day advance notice from the authority of the noncompliance.
  9. It is a condition of any permit issued under this ~~section~~Section that:
    - a) A wireless provider, with respect to a small cell wireless facility, a wireless support structure, or a utility pole, shall defend, indemnify, and hold harmless the Village of Lake Isabella and its officers, agents, and employees against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees resulting from the installation, construction, repair, replacement, operation, or maintenance of any wireless facilities, wireless support structures, or utility poles to the extent caused by the applicant, its contractors, its subcontractors, and the officers, employees, or agents of any of these. A wireless provider has no obligation to defend, indemnify, or hold harmless the Village of Lake Isabella, or the officers, agents, or employees of the Village or governing body against any liabilities or losses due to or caused by the sole negligence of the Village of Lake Isabella.
    - b) A wireless provider, with respect to a small cell wireless facility, a wireless support structure, or a utility pole, shall obtain insurance, in an amount and of a type reasonably satisfactory to the Village Council, naming the Village of Lake Isabella and its officers, agents, and employees as additional insureds against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees. A wireless provider may meet all or a portion of the Village's

insurance coverage and limit requirements by self-insurance. To the extent it self-insures, a wireless provider is not required to name additional insureds under this subsection. To the extent a wireless provider elects to self-insure, the wireless provider shall provide to the Village Clerk evidence demonstrating, to the Village's satisfaction, the wireless provider's financial ability to meet the Village's insurance coverage and limit requirements.

10. It is the policy of the Village of Lake Isabella to encourage the co-location of small cell wireless facilities first, outside of public rights-of-way and, secondarily, within the public rights-of-way. The co-location of uses shall be a condition of approval of any permit granted for a new wireless support structure or utility pole in the public right-of-way; provided, however, that the co-location requirement may be waived if the pole or support structure is disguised or stealthed so as to blend with the immediate environment (e.g., streetlights, power poles, etc.).

E. METRO Act Permit.

No person shall install or operate "telecommunications facilities," as defined in the Metropolitan Extension Telecommunications Rights-Of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, as amended (the "act") without first obtaining a permit in accordance with that act from the Street Administrator, including any part of a small cell wireless facility, utility pole, or wireless support structure constituting telecommunication facilities.

F. Design Parameters.

The following minimal design parameters shall apply to small cell wireless facilities, utility poles and wireless support structures in the ~~Village'~~ Village's public rights-of-way:

1. A wireless provider may, as a permitted use not subject to zoning review or approval, but still subject to approval by the Street Administrator under this ~~section~~Section, co-locate small cell wireless facilities and construct, maintain, modify, operate, or replace utility poles in, along, across, upon, and under the ROW consistent with the following:
  - a) A utility pole in the ROW installed or modified on or after the effective date of the Act shall not exceed 40 feet above ground level, unless a taller height is agreed to by the Village Council consistent with all applicable laws.
  - b) A small cell wireless facility in the ROW installed or modified after the effective date of the Act shall not extend more than 5 feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.
2. Such structures and facilities shall be constructed and maintained so as not to obstruct or hinder the usual travel or public safety on the ROW or obstruct the legal

- use of the Village's ROW or uses of the ROW by other utilities and communications service providers.
3. A wireless provider may co-locate a small cell wireless facility or install, construct, maintain, modify, operate, or replace a utility pole that exceeds the height limits under subsection (1), or a wireless support structure, in, along, across, upon, and under the ROW only upon issuance of a permit in accordance with this Section and upon receiving zoning approvals required by the Village of Lake Isabella.
  4. The following design and concealment measures shall apply to the co-location of any small cell wireless facility or utility pole in an ~~historic~~, residentially zoned, ~~or downtown~~ district:
    - a) Equipment on a supporting structure may not exceed an aggregate width of four feet (centered on pole) and shall be secured a minimum of ten feet from the ground surface or 18 feet where equipment may overhang the back of ~~ditch~~curb line. ~~Ground~~Ground-level equipment or shelters are not permitted.
    - ~~b) Small cell wireless facilities shall be located no closer than 18 inches from an existing sidewalk/face of curb or 18 inches from a proposed future sidewalk/face of curb location.~~
    - b) Small cell wireless facilities shall be located no closer than ten feet from any driveway.
    - c) Small cell wireless facilities shall be located in line with a side lot line and not in front of a residence.
    - d) Unless otherwise required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or applicable codes poles shall either maintain a galvanized silver, gray or concrete finish or, subject to any applicable standards of the FAA, FCC or such codes, be painted a neutral color so as to reduce visual obtrusiveness.
    - e) At all pole sites related equipment shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and environment to the extent reasonably practical.
    - f) All poles shall be of monopole design and construction unless the Village Council approves an alternate design. Disguising or stealthing poles is encouraged. Any such requirements shall not have the effect of prohibiting any wireless provider's technology.
  5. A wireless provider shall comply with any Village requirements that prohibit communications service providers from installing structures on or above ground in the ROW in an area designated solely for underground or buried cable and utility facilities if each of the following apply:

- a) The Village has required all cable and utility facilities, other than streetlight poles, along with any attachments, or poles used for street lights, traffic signals, or other attachments necessary for public safety, to be placed underground by a date that is not less than 90 days before the submission of the wireless ~~provider's~~ provider's application.
- b) The Village does not prohibit the replacement of existing poles by a wireless provider in the designated area.

G. Modification of Design Parameters.

Upon the written request of an applicant for a permit, the Lake Isabella Village Council may modify or waive the design parameters of subsection (f)(4) and (f)(5) in its discretion following a hearing and based on its review of factors affecting the public health, safety and welfare including, but not limited to, the following: the presence of existing poles or other structures or equipment in the immediate vicinity; the ability to reasonably comply with the design parameters set forth in subsection (f)(4) and (f)(5); the visual and aesthetic impact of the proposed pole, antenna or facilities on the adjacent area; the existing and planned character of the adjacent area; public comment; the scale and scope of the poles, antennas or facilities relative to the existing character of the area; whether granting the modification will adversely impact public safety; and the recommendations of Village engineering consultant. Following its review, the Lake Isabella Village Council may grant, deny or grant with conditions a request to modify or waive the design parameters and shall provide its decision and the basis for the same to the applicant in writing. All applications for a waiver or modification of the design parameters as set forth herein shall be addressed in a uniform and nondiscriminatory manner. The applicant shall be responsible to pay all costs of the Village associated with the request to modify or waive the design parameters.

H. Repair of Right-of-Way.

As a condition to the issuance of a permit under this ~~section~~ Section, a wireless provider is required to repair all damage to the ROW directly caused by the activities of the wireless provider while occupying, constructing, installing, mounting, maintaining, modifying, operating, or replacing small cell wireless facilities, utility poles, or wireless support structures in the ROW and to return the ROW to its functional equivalent before the damage. If the wireless provider fails to make the repairs required by the Street Administrator within ~~sixty~~ 60 days (60) after written notice, the Village Council may authorize to make such repairs and charge the wireless provider the reasonable, documented cost of the repairs

I. Discontinuance of Use.

Before discontinuing its use of a small cell wireless facility, utility pole, or wireless support structure, a wireless provider shall notify the Village Clerk in writing. The notice shall specify when and how the wireless provider intends to remove the small cell wireless facility, utility pole, or wireless support structure. The Village Council may impose reasonable and nondiscriminatory requirements and specifications for the wireless provider to return the property to its pre-installation condition. If the wireless provider does not complete the removal within 45 days after the discontinuance of use, the Street Administrator may complete the removal and assess the costs of removal against the wireless provider. A permit under this ~~section~~ [Section](#) for a small cell wireless facility expires upon removal of the small cell wireless facility.

J. Revocation of Permit.

The Village Council may revoke a permit, upon ~~thity~~<sup>30</sup> days ~~(30)~~<sup>(30)</sup> notice and an opportunity to cure, if the permitted small cell wireless facilities and any associated utility pole fail to meet the requirements of ~~as permitted~~ [subsection \(d\)\(3\)](#).

K. Compliance with Applicable Law.

The permittee shall be responsible to comply with all applicable legal requirements and to obtain any permits or approvals otherwise required by law relative to the installation or operation of small cell wireless facilities in the Village's public rights-of-way (e.g., electrical permits). The Village, in reviewing and authorizing a permit under the act and/or a permit referred to in this ~~section~~ [Section](#), and the permittee, in the establishment and operation of any small cell wireless facilities, shall comply with all applicable federal and state laws.

L. Fees.

Fees for the permits as authorized under the Act shall be as provided for in the Act or those documents and as periodically authorized by resolution of the Lake Isabella Village Council; provided, however, that for installations of utility poles designed to support small cell wireless facilities or co-locations of small cell wireless facilities installed and operational in the ROW before the effective date of the Act, the fees, rates, and terms of an agreement or ordinance for use of the ROW remain in effect subject to the termination provisions contained in the agreement or ordinance.

## 11. Cost Recovery

The Village of Lake Isabella reserves the right to bill and collect cost recovery charges from Responsible Parties for damage and clean-up costs in any public or private right-of-way in the Village of Lake Isabella.

A. For the purpose of this Section, the following terms are defined:

Hazardous materials. Shall include, but are not limited to a chemical that is a combustible liquid, a flammable gas, explosives, flammables, oxidizing material, pyrophoric, unstable reactive or water-reactive, radioactive materials, petroleum, petroleum products or gases, poisons and shall include all those materials designated as hazardous by the State of Michigan in Public Act 307 of 1982, as amended, or by the Federal Superfund Amendment.

Responsible party. Shall mean the owner, operator, occupant or other person responsible for the operation, maintenance and/or condition of any building, premises, property or vehicle where an incident arises which involves the release or threatened release of hazardous substances and/or materials on or about said building, premises, property and/or vehicle.

- B. It shall be the duty of any person, firm, corporation, public or private utility, or any other entity directly or indirectly causing, contributing to or allowing the leakage, spillage or any other release of dangerous or hazardous substances or materials, or owning or controlling property affected thereby or requiring the securing and monitoring of sites or locations of accidents and/or natural disasters, including downed power lines and electric service lines, ruptured gas mains, gas service conduits, water mains, occupancy leads, telephone lines, or cable television lines, to immediately secure, monitor, and clean up the area or location in such manner that the area or location involved is fully restored to the condition existing prior to such occurrence.

The Village shall have no duty to contain, clean up or dispose of any release of hazardous substances or materials, or other materials, but in emergency situations, the Fire Chief or Incident Commander shall have the authority to take whatever action is reasonably necessary to protect the health, safety, and welfare of the general public, including securing and monitoring sites of accidents or providing for or arranging for the containment, removal or clean up of any hazardous substances or materials. The Village shall have the authority to inspect the site to ensure that clean-up has been fully completed.

- C. Specifically, any cost incurred by the Village of Lake Isabella, including but not limited to the actual labor and material cost to the Village, including, without limitation, employee wages, workers' compensation benefits, overtime, cost of equipment operation, materials, excavation, transportation, disposal, costs of any contracted labor or materials, and any and all other costs, whether or not such services are provided by the Village or by a third party independent contractor on behalf of the Village, service charges or interest, attorney fees, litigation cost, and any cost, charges, fines, or penalties to the Village imposed by any local, state, or federal government may be jointly and severally assessed to any and all Responsible Parties for any of the following actions:

1. Costs incurred to halt, abate, remediate or remedy any release of any hazardous materials and liabilities and damage to the right-of-way resulting therefrom;
2. Costs (fire extinguishers, foam, etc.) incurred to extinguish or fight any fire in a right-of-way, and any liabilities and damage to the right-of-way resulting therefrom;
3. Costs incurred in connection with a utility line failure and any liabilities and damage to the right-of-way resulting therefrom;
4. Costs (foam, fire extinguishers, extrication, etc.) associated with a motor vehicle accident or motor vehicle fire and any liabilities and damage to the right-of-way resulting therefrom;
5. Costs associated with any motor vehicle accident resulting from careless or reckless driving and any liabilities and damage to the right-of-way resulting therefrom;
6. Costs incurred in connection with or as a result of gross negligence and any liabilities and damage to the right-of-way resulting therefrom;



## CONTROL OF VILLAGE PROPERTY

### 1. Control & Access to Village Owned Property

- A. Forums. Consistent with decisions of the U.S. Supreme Court, public access to areas within enclosed facilities owned, controlled, and leased by the Village of Lake Isabella that the Village utilizes for its purposes may be restricted depending upon whether such areas are classified as "designated public forum," "limited designated public forum," or "nonpublic forum." How areas within enclosed facilities owned, controlled, and leased by the Village of Lake Isabella are classified is based on their intended use. For example, there are certain areas that are intended primarily for the use of Village employees in the conduct of their business; there are certain areas which, while primarily intended for the use of Village employees in the conduct of their business, may, from time to time be utilized for the convening of public meetings; there are certain limited areas which may be open to the public while engaging in legitimate business with Village officers or employees; and, there may be certain areas which are primarily intended for the convening of public meetings and/or gatherings.
- B. Management of forums. The Village Manager is hereby authorized to manage public access to enclosed Village-owned, controlled, and leased property that the Village utilizes for its purposes. In the performance of such responsibilities, the Village Manager shall have the authority to identify which areas are to be considered designated public forum[s], limited designated public forum[s], or nonpublic forum[s].
- C. Separation of forum(s). Upon the classification of areas within enclosed Village-owned, controlled, and leased property that the Village utilizes for its purposes, the Village Manager is hereby authorized, subject to the availability of appropriated funds, to employ whatever means he/she deems necessary and appropriate to separate designated public forums from nonpublic forums, including, but not limited to, the use of physical barriers and signage. The Village Manager shall also have the authority to develop and implement procedures to regulate and control public access within Village-owned, controlled, and leased property to provide for the security and privacy of public visitors; to provide for the security and privacy of Village employees and officers, and to minimize potential disruptions to the work of Village government. Any person who engages in conduct that causes disruptions to the work of Village government shall be deemed to no longer be present within Village-owned, controlled, or leased property on legitimate public business.
- D. Nonpublic forum areas. The following areas of Village-owned, controlled, or leased buildings that the Village utilizes for its purposes are considered nonpublic forum areas. Citizens that wish to enter these areas must have an appointment with an employee that works in the area or they must have business with a Village department that is

located in the nonpublic forum area. If the citizen has business with the department but no appointment, the citizen must be escorted to the department they have business with by an employee of that department. It shall be a violation of this Policy to be in a nonpublic forum without authorization. Unauthorized persons found by the Village Manager or his/her designee to be within a nonpublic forum and who refuses to leave the premises upon request to do so, shall be considered a trespasser. For such conduct, law enforcement, at its option, at the request of the Village, may issue a trespass warning notice, followed by such criminal legal action as law enforcement deems proper.

- E. The following areas are considered nonpublic forum areas:
1. Village hall. The employee office rooms, garage, and utility closet in Village Hall are hereby declared nonpublic forums and are designated as work areas. Members of the public are prohibited from entering Village employee work areas without being escorted by a Village employee.
  2. Public works facilities. All areas inside the DPW garage and the salt storage barn are considered work areas and are nonpublic forums. Members of the public are prohibited from entering these areas without being escorted by a Village employee.

## VEHICLES

### 1. Keeping of Motor Vehicles

The storage, keeping, or temporary parking of motor vehicles shall comply with all of the following regulations:

- A. Unless otherwise expressly permitted by this code of ordinances, no person, whether the owner, tenant, or manager of private property, or whether the last registered owner of the vehicle or transferee on a bill of sale covering the vehicle, shall permit the placement or storage (whether temporary or permanent) on private property of any vehicle which does not meet the following requirements:
  1. Any motor vehicle must be in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code, being Public Act 300 of 1949 as amended, being MCL § 257.1 through 257.923. These requirements include, but are not limited to, an engine that runs, all necessary driving units, gears in operating condition, all wheels attached and fully inflated, current [and valid](#) license plate, a battery capable of starting and operating the vehicle and its accessories, all windows in place, all doors attached, and the hood and trunk cover attached.
  3. No motor vehicle in a Residential District, licensed or otherwise, shall at any time be in any state of major disassembly, disrepair or in the process of being stripped or dismantled unless such vehicle is enclosed in a lawful building or other enclosure so as not to be visible from surrounding property [or public right-of-way](#).
  4. These provisions shall apply to all areas or residential zones except when the storage of said vehicles is in a completely enclosed lawful structure.
- B. No person shall permit the storage or parking of unlicensed vehicles or vehicles in disrepair or disassembly as set forth above, and the owner or occupant of any property upon which such activities exist shall be deemed to have permitted the same.
- C. The outdoor parking of cars, trucks, and vans intended for, or used for, commercial purposes with a gross vehicle weight rating (GVWR) equal to or less than 14,000 pounds shall only occur if the following conditions are met:
  1. The vehicle has no more than two axles.
  2. The regular operator of the ~~v~~vehicle is an occupant of the dwelling at the location.
- D. The outdoor parking of vehicles intended for or used for commercial purposes with a gross vehicle weight rating (GVWR) in excess of 14,000 pounds is strictly prohibited in all residential districts, except for temporary deliveries. This includes the parking of semi-truck tractors, ~~cube vans~~, dump trucks, buses, [box trucks](#), and other similar vehicles.
- E. In all residential districts, the overnight parking or storage of any car, truck, motorcycle, or other motor vehicles for use on public streets is permitted only on established

driveways, areas immediately adjacent to and alongside established driveways, and other impervious areas of such materials as concrete or asphalt pads. The overnight parking of any such vehicle on an unimproved area in the rear or side yard is prohibited. This Section does not apply to the parking of motorhomes, which are regulated as Recreational Vehicles by Section [640.3 of the Codified Ordinances of the Village of Lake Isabella](#) ~~644.05.~~

## 2. Agricultural & Construction Equipment

Unless associated with bonafide excavation or construction work being done at the site of parking or outdoor storage, the parking and outdoor storage of equipment used or intended for excavation, construction, or agricultural operations including but not limited to, loaders, backhoes, tractors, bulldozers, excavators; is prohibited in all residential districts.

## 3. Trailers, Recreational Vehicles, & Watercraft

When specific ~~"yards"~~ are described in this Section, such references shall be determined by the establishment of yards in the zoning code for the Village of Lake Isabella. Items stored shall be based on what is physically touching the ground, including any blocks or supporting apparatuses. For example, a trailer with two watercraft stored on top of it shall only count as 1 item as it is only the trailer that is in contact with the ground. The storing or keeping of trailers, campers, recreational vehicles (including motorhomes), and watercraft in residential districts shall comply with the following regulations:

- A. The overnight parking or storage of any semi-truck trailer, flatbed, tanker-trailer, or other trailer used for commercial purposes is prohibited.
- B. Only items licensed to the owner of record or legal occupant of the parcel may be stored on the property. If there are more than three items stored in non-streetside yards, the Village may require the owner or occupant of the property to verify through the submission of license or title information that the items are his/hers.
- C. The item must have a valid license or registration.
- D. The item must be in working condition and operable. Including all tires inflated.
- E. A maximum of one item may be stored or kept on the street-side of the structure provided such is done either in the driveway, or to the side of the driveway in a side yard area, and no portion of the item is within 20 feet of the edge of the improved edge of a street.
- F. Items stored in a yard not touching a public or private street, road, or shared access drive all items must be locked, and all items shall maintain at least a 2-foot setback from any property line and also kept in an area of the yard that is mowed and maintained. Except items stored in waterfront yards shall be kept at least 35 feet from the ordinary

high-water mark of the lake or river.- This does not apply to docks, boat lifts, or boat hoists, which are not regulated by the Village of Lake Isabella.

- G. At no time shall any boat, camper, trailer, RV or similar item be connected to a septic system.
- H. The overnight parking or storage of any boat, camper, trailer, ~~and or other-like~~ recreational vehicle is prohibited in any public right-of-way, including the median of cul-de-sacs.
- I. The overnight parking or storage of any boat, camper, trailer, or other recreational vehicle is prohibited on any parcel without a structure.

#### **4. ORVs, ATVs, Riding Lawnmowers, Snowmobiles, Go-karts, & Golf Carts**

The outdoor, overnight storage of ORVs, ATVs, snowmobiles, riding lawnmowers, go-karts, and golf carts shall comply with the following conditions:

- A. The parcel must have a structure.
- B. No more than a total of one ORV, ATV, riding lawnmower, snowmobile, or golf cart may be stored outside overnight. A single trailer designed and intended for hauling up to three of the items listed in this subsection may be considered as the one allowed single item if all other provisions of this Section are met.
- C. The overnight outdoor storage of one ORV, ATV, riding lawnmower, snowmobile, go-kart or golf cart is only allowed in the parcel's driveway or in a rear or side yard sd defined in the zoning code of the Village of Lake Isabella.
- D. The one item stored outside must be fully operable and in working condition.

## BLIGHT

### 1. Purpose

This Chapter aims to prevent, reduce or eliminate blight in the Village of Lake Isabella by the prevention or elimination of contributing factors and causes of blight that exist or which may in the future exist in the Village of Lake Isabella. No person, firm, or corporation shall maintain or permit to be maintained any of these causes of blight upon any property owned, leased, rented, possessed, controlled, or occupied by such person, firm, or corporation in the Village of Lake Isabella.

It is hereby found that:

- A. Areas of the Village are, or may become, blighted with the resulting impairment of taxable values upon which operating revenues to the Village of Lake Isabella and other local units of government depend;
- B. Such blighted areas are detrimental to the health, safety, and general welfare of the citizens, property owners, and economic welfare of the community;
- C. In order to improve and maintain the general character of the Village, it is necessary to rehabilitate such blighted areas;
- D. The purposes of this Chapter are to rehab such areas by eliminating blight and the factors that contribute to blight for the protection of the health, safety, and general welfare of the Village of Lake Isabella; to preserve existing property values, and to ensure neighborhoods remain aesthetically desirable for single-family residential development.

### 2. Definitions

For the purposes of this Chapter of the codified ordinances of the Village of Lake Isabella, the following definitions shall apply;

- A. Blighted Structure. This shall mean any dwelling, garage, building, outbuilding, accessory building, swimming pool, pond, or structure of any nature or part of any building or structure which, because of disrepair, fire, wind, or other natural disaster or physical deterioration is no longer habitable, if a dwelling; or use for any other purpose for which it is intended of other than a dwelling, and/or which involves or has any one of the following characteristics:
  1. Deterioration or deteriorated. means the status of an item, process of decay, or degeneration has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, or unusable or unsuitable for its intended use, including but not limited to, the advanced stage of rot, rust, mold, vermin, ingestion, dilapidation, infestation, or destruction.

2. Vacant Structure. This shall mean any building or structure which is unoccupied and which is not securely locked, with the windows glazed, or otherwise protected against the elements and/or from vandals, rodents, and other animals or otherwise maintained in accordance with all of the Village's ordinances.
- B. Building Material(s). This shall mean and include, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, windows, doors, nails, screws or any other materials used in constructing any building or structure.
- C. Code Enforcement Officer. This shall mean any person designated by the Village Council of the Village of Lake Isabella to enforce any of the provisions of this Chapter.
- D. Fill Material. Compactable earthen material, including soil, topsoil, sand, gravel, rock, stone, and small amounts of clay and other similar materials free from contamination.
- E. Junk. This shall mean the storage or accumulation of any trash, garbage, rubbish, scrap, waste, or refuse of any kind; or any abandoned, discarded, unusable, or unused objects or any sort of inoperable equipment kept outdoors. The term "junk" shall include, but is not limited to, broken or unusable furniture, mattresses, stoves, refrigerators, freezers, or other appliances stored in the open; cans, implements, parts of motor vehicles, machinery, un-mounted motor vehicle tires, cloth, rubber, bottles, any metals, boxes, cartons, or crates, remnants of wood, metal, or any other materials, broken toys and bicycles, broken lawn furniture, inoperable lawnmowers, and other castoff material of any kind whether or not the same could be put to any reasonable use.
- F. Litter. This shall include, without limitation, debris, tin cans, waste paper, waste rubbish, garbage, filth, refuse, vermin, decaying or dead matter, or deteriorated signs. "Trash," "rubbish," and/or "garbage" shall include any and all forms of debris not herein otherwise classified.
- G. Motor Vehicle. This shall mean and include cars, trucks, tractors, automobiles, motorcycles, vans, boats, snowmobiles, ATVs, motorhomes, and other similar items.
- H. Public Nuisance. Any condition, matter, or item that annoys, injures, or endangers the safety, health, comfort, or repose of the public or any person; offends public decency; interferes with, obstructs, or renders dangerous any street, public place, highway, or navigable stream; depreciates or lowers property values; or in any way renders the public insecure in life or property, is hereby declared to be a Public Nuisance. Any violation of this Chapter shall also constitute a Public Nuisance.
- I. Tall Weeds and Grass. This shall include Canada thistle (*Cirsium arvense*), Dodders (any species of *Cuscuta*), Mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), Bindweed (*Convolvulus arvensis*), Perennial Sowthistle (*Sonchus arvensis*), Hoary Alyssum (*Berteroa incana*), Poison Ivy (*Rhus Toxicodendron*), Poison

Sumac (*Toxicodendron vernix*) Ragweed (*ambrosia elatior*), Poison Ivy, Milkweed, Bitterdock, Burdock, Goldenrod, Wild Carrots (*Daucus carota*), and all other noxious weeds, and grasses or other similar vegetation of a height/length of eight inches (8") or more. Such weeds and grasses are hereby determined and declared to be noxious, dangerous, and unhealthy, tending to cause and promote disease and allergies and to thereby constitute a public nuisance.

- J. Person. This shall mean any natural person, firm, association, partnership, entity, limited liability company, trust, or corporation. All persons who violate any of the provisions of this Chapter, whether as owner, occupant, lessee, agent, or employee, shall, except as herein otherwise expressly provided, be equally and jointly liable as principals and perpetrators.

### 3. Blight Restrictions

It shall be unlawful for any of the following to occur and/or to be allowed to occur, and such is hereby declared to be a public nuisance:

- A. It shall be unlawful to keep, own, or possess any Blighted Structure or part of any Blighted Structure which, because of disrepair; fire, wind, or other natural disaster; physical deterioration; vandalism; unfinished demolition; or equity stripping is no longer habitable, if a dwelling; or useful for any other purpose for which it is intended. If a dwelling, this includes having the structure connected to a working and approved potable water supply and sewer or septic system.
- B. It shall be unlawful whenever a structure used or intended to be used for dwelling purposes is unfit for human habitation because of dilapidation, decay, damage, faulty construction, act of God, or otherwise, or is in a condition that is likely to cause sickness, disease, or physical harm when so determined by the Health Department or appropriate building official.
- C. ~~It shall be unlawful to own, keep, possess, or maintain a vacant structure, building, dwelling, garage, outbuilding, factory, shop, store, or warehouse, unless such structure is in the course of being constructed in accordance with a valid building permit, issued by Isabella County, and unless such construction is completed within the required time limits of the Village of Lake Isabella and/or building permit.~~ Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. This includes, but is not limited to, keeping the exterior of the building free from debris, graffiti, and other damage, securing doors and windows, and maintaining the landscaping.
- D. If a structure is to be razed or demolished, such work shall be done in full within six (6) months from the start of such demolition process. During the entirety of the demolition process, the site shall be kept in a safe and secure manner, and debris properly placed in receptacles to ensure they are not blown off-site by the wind.



- E. It shall be unlawful when any building or part thereof, either before or after the effective date of this Chapter, is not completed in accordance with any permit(s) issued pursuant to the Village of Lake Isabella zoning or other code. If not so completed, the property owner shall immediately put the property back in a safe condition (“safe condition” shall be at the discretion of the Village Code Enforcement Officer) or alternately, it shall be torn down and removed from the property and returned to the grade level that existed before excavation.
- F. It shall be unlawful when any building, structure, or uninhabited dwelling, whether now existing or hereafter erected, shall be left in a dangerous or hazardous condition by virtue of disrepair, depreciation, damage by fire, collapse, or act of God, or by virtue of any other cause. [Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.](#) Any such building or structure [found to be in violation of this subsection](#) shall be forthwith repaired or rehabilitated, and the dangerous or hazardous condition removed by the owner or occupant thereof, or in the alternative, torn down and removed, and any open excavation shall be immediately filled to grade level. Such repairs and rehabilitation shall comply in all respects with the provisions of the zoning, building, plumbing, mechanical, and electrical codes governing such buildings. If a building or structure is left in such disrepair, any excavation or repair done to the property [by the Village to abate the public nuisance](#) will be at the cost of the property owner.
- G. Every lot and parcel of land within the Village shall at all times be kept clean and free from the following:
1. Refuse and household trash.
  2. Junk.
  3. Commercial or industrial waste.
  4. Unfinished excavations.
  5. The unfinished alteration, construction, or demolition of structures.
  6. Used building materials.
- H. It shall be unlawful when the exterior of any structure used or intended to be used for single-family residential habitation is not maintained in a condition such that there are no broken windows. All openings for windows and doors shall be maintained and kept in sound working conditions. Likewise, exterior surfaces are required to be maintained and kept free from chipping or peeling paint, grime, dirt, or mold.
- I. It shall be unlawful for the outdoor display or use of upholstered or other furniture, including vehicle seats, which were not designed and/or manufactured or intended for outdoor use.
- J. [Household appliances such as, but not limited to, washing machines, dryers, refrigerators, freezers, dishwashers, microwaves, range hoods, beverage coolers,](#)

[portable or window air conditioner units, cooktops, and ovens shall not be kept or stored outside of any structure.](#)

- K. It shall be unlawful when any graffiti is allowed to remain on any structure, fence, sign, vehicle, or other outdoor surface. It shall be the responsibility of the property owner to remove graffiti.
- L. It shall be unlawful to utilize plywood, or other building materials not intended or designed as window treatments as permanent window coverings for more than thirty (30) days. All interior window coverings, hardware, and mechanisms shall be maintained in good repair and working order.
- M. Every lot or parcel of land within the Village shall at all times be kept free and clear of junk, wrecked or abandoned motor vehicles. The storing or parking of any motor vehicle, or body or chassis of a motor vehicle, not bearing a currently valid license and registration is prohibited ~~in any Residential District~~ unless such motor vehicle, body or chassis is enclosed in a structure or other enclosure so as not to be visible from any adjoining property or public right-of-way, [or has been permitted via an approved use in a non-residential district by the zoning code.](#)
- N. The Village Manager is hereby appointed to serve as the commissioner of noxious weeds. The commissioner of noxious weeds is hereby empowered to enforce the following provisions:
  - 1. It shall be unlawful when any parcel or lot with a structure is not kept free and clear of all noxious weeds as well as all tall weeds and grass that exceed eight inches (8") in height. Any such plants or weeds exceeding such height are hereby declared to be a Public Nuisance. It is the responsibility of the property owner to have the parcel or lot properly maintained and cared for at all times. The property owner will be responsible for the cost of the removal of all tall weeds and grass and all noxious weeds. Notification will follow the same process as the Municipal Civil Infraction Ordinance.
  - 2. The commissioner of noxious weeds shall send the owner of any parcel or lot found to be in violation of this Chapter notice, via first-class mail, of any such violation and informing them that they must bring the parcel or lot into compliance with this Chapter. The notice shall also describe methods of treating and eradicating the noxious weeds and a summary of the provisions of this Chapter.
- O. It shall be unlawful when a person knowingly dumps, deposits, places, throws, leaves, causes, or permits the dumping, depositing, placing, throwing or leaving of litter, garbage, or household trash on any public or private property or waters, other than property lawfully designated and set aside for such purposes.
- P. It shall be unlawful for any person to maintain or permit to be maintained an unclean building, yard, or premise. All manure and excreta shall be lawfully removed and disposed of in such a manner so as to prevent the breeding or harboring of insects or vermin.

- Q. It shall be unlawful when a yard or area where animals are kept is not well-drained, maintained in a sanitary condition, and treated so as to effectively prevent the breeding or harboring of flies, mosquitoes, or rodents. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
- R. It is unlawful to store firewood except in a neat, orderly stack to a height no greater than six (6') feet. The storage of firewood shall be restricted to the rear yard or any side yard of the premises.
- ~~R. It shall be unlawful in any residential district to keep or maintain any compost pile consisting of materials other than grass, leaves, or other organic plant materials. In residential districts, all compost piles shall be located inside a structure or bin.~~
- ~~S. The stockpiling and non-removal of cut or fallen trees, shrubbery, and brush on any parcel or lot with a structure, building, or dwelling is hereby deemed to be a public nuisance and unlawful as it is a threat to the public health and safety and as such is hereby prohibited. The removal and lawful disposal of any and all cut or fallen trees, tree limbs, tree branches, shrubbery or brush shall be done within thirty days (30) from the date of the incident.~~
- S. The storage upon any parcel of building materials, unless there is in place a valid permit and the building materials are intended for use in said construction at the parcel.
- T. Fill material shall not be stockpiled on any property zoned for single-family use that does not have a valid zoning permit issued; for properties without a valid zoning permit, all Fill Material must be appropriately graded within thirty (30) days of being placed at a site. Fill material shall not contain cinders, ash, refuse, plastic, food waste, stumps, tree roots, brick, asphalt, concrete, metals, or other similar materials. When Fill Material is brought onto a site, the material shall be placed in a manner as to prevent stormwater drainage from exiting the property. The placement of Fill Materials shall not alter the existing drainage pattern of the site.
- U. The outdoor storage of raw materials, partially finished products, or finished products associated with any non-residential use shall be permitted subject to the regulations hereinafter imposed and the requirements of any other Village ordinance, the violation of which is hereby declared to be a nuisance per se.
1. All such storage shall be located within a rear yard and screened with privacy fencing or other suitable means of screening. No raw materials, partially finished products, or finished products shall be stored above the height of the privacy fencing or screening.
  2. All such storage areas shall conform to the zoning district setback requirements. In addition to zoning district setback requirements, no such storage shall occur within one two hundred feet (~~±200'~~) of any residentially zoned property.
  3. Access to all storage areas shall be provided for fire and emergency services.

4. All loosely packed materials such as sand, topsoil, dirt, sawdust, wood chips, and similar materials, shall be covered and contained to prevent them from being blown away or washed off of the storage area.
5. No materials which give off noxious or disagreeable odors as defined in Chapter ~~610626~~ of the Codified Ordinances of the Village of Lake Isabella shall be stored outdoors.

#### 4. Responsibility of Owner & Tenant

It is the responsibility of all of the owners of each and every lot or parcel of land within the Village, and any person occupying or controlling the property, to keep the entire premises free and clear from all unlawful items and conditions as described in this Chapter. The responsibility of an occupant shall not relieve the owner or owners thereof from complying with this Chapter.

The Village of Lake Isabella may remove or cause to be removed any junk, trash, rubbish, junk automobile or abandoned vehicle, or parts of either, from any property, after having served written notice of its intention to do so, on the owner or occupant of such property, at least seven (7) days before such removal. Such notice shall be served (as shown on the property tax records) by registered mail or maybe posted in a conspicuous place upon the vacant or unoccupied property. Such removal by the Village of Lake Isabella shall not excuse or relieve any person of the obligation, imposed by this Chapter, to keep the property free from the storage or accumulation of junk, trash, junk automobiles, or abandoned vehicles, or parts of either, nor from the penalties for violation thereof.

If the Village of Lake Isabella has caused the removal of any such matter or paid for its removal, it shall be the duty of the Village Manager to forthwith demand payment thereof from the owner, possessor, or occupant of such lands, either personally, or by notice by mail. If the owners, possessor, or occupant of such lands shall fail or neglect to pay the said charges within thirty (30) days after presentation of a statement, either personally or by mail, the Village Manager shall certify said account to the Village Assessor, who shall cause such expenditure to be levied upon the lands on behalf of which said expenditure was made, and the same shall thereupon become a lien upon said land and shall be added to the next Village tax roll and be collected in the same manner as other Village special assessments are collected.

#### 5. Request for ~~Temporary Waiver~~ Variance

Should the owner or occupant of such land within the Village of Lake Isabella, before or after receiving any notice as referenced within this Chapter, desire to seek a ~~temporary waiver~~ variance from any of the requirements of this Chapter, such person shall have the right to ~~request in writing the Village Council grant a temporary wavier~~ seek a variance from any or all of the requirements contained within this Chapter ~~for a period of time not to exceed ninety days (90). Any such request shall contain information as to why the temporary waiver is necessary and what plans exist to correct the violation in a timely manner, pursuant to the manner and method of filing for a variance as provided for by the~~

~~Village of Lake Isabella Zoning Code. The same standards shall apply as if a nonuse variance were involved.~~

The filing of a proper application for a [temporary waiver](#)~~variance~~, together with the payment of any required fee, shall temporarily suspend the obligation to comply with any noticed violation of this Chapter until a decision on any such variance application has been rendered by the Village [Council](#).

Any person who files such an application for a [temporary wavier](#)~~variance~~, which is later denied, shall have five days after notice of said denial, in which to comply with all the provisions of this Chapter.

## OUTDOOR FREE-STANDING FURNACES

### 1. Purpose

This section is intended to promote the public's health, safety, and welfare and to safeguard the health, comfort, living conditions, safety, and welfare of the citizens of the Village of Lake Isabella due to the air pollution from outdoor wood-fired furnaces.

### 2. Definitions Outdoor Free-Standing Furnace Defined

An Outdoor Free-Standing Furnace is any device or structure that:

- A. Is designed, intended, or used to provide heat and/or hot water to any residence or other structure;
- B. Operates by the burning of wood or other fuel; and
- C. It is not located within the structure that it is intended to provide heat for.

### 3. Regulations

- A. It shall be unlawful to install or operate an Outdoor Free-Standing Furnace in any residential zoning district in the Village of Lake Isabella, ~~within the following zoning districts of the Village of Lake Isabella:~~

~~1. Lake Residential 1~~

~~2. Lake Residential 2~~

~~3. Lake Residential 3~~

~~4. Airport Residential~~

~~5. Commercial~~

~~6. West Coldwater Business District~~

- B. If located in any other zoning district of the Village of Lake Isabella, an Outdoor Free-Standing Furnace shall not be located within five hundred feet (500') of a single-family dwelling.

### 4. Existing Outdoor Free-Standing Furnaces

This section shall not apply to any Outdoor Free-Standing Furnaces ~~that were~~ installed, connected, and operating as of January 1, 2009. However, this section shall not be deemed as specific authorization for the use of any preexisting Outdoor Free-Standing Furnaces and shall not be deemed to bar, limit, or otherwise, affect the rights of any person to take private legal action regarding damage to the nuisance caused by the use of an Outdoor Free-Standing Furnaces. If a preexisting Outdoor Free-Standing Furnaces is converted, moved to a new location within the same property or is adapted to serve additional structures, it will be construed to be a newly installed furnace, and this ordinance shall

apply in its entirety. Any Outdoor Free-Standing Furnaces installed or operated in violation of this section ~~is~~are hereby declared to be a nuisance per se.

## SWIMMING POOLS

### 1. Purpose

The purpose of this Chapter is to establish regulations for the placement and use of swimming pools and hot tubs in the Village of Lake Isabella.

### 2. Regulations

~~Private s~~Swimming pools and hot tubs shall comply with the following regulations:

- A. ~~Inground~~Swimming pools and hot tubs shall be equipped with filtration, circulation, and other systems adequate to maintain the water in a clean and healthful condition.
- B. ~~No private s~~Swimming pool or hot tub shall be wholly or partially emptied on another property unless written permission is first obtained from the adjacent property owner.
- C. Inground swimming pools, and above ground swimming pools with sidewalls less than 48 inches, shall be completely enclosed with a substantial permanent fence with a self-closing and self-latching gate or gates of no less than four feet in height above the ground level. No opening in such a fence or gate shall be so designated or maintained as to permit access to the pool except under the supervision of the possessor or by his permission. Inground pools shall not be used prior to the installation of the required fence, and if wholly or partially filled before a permanent fence is constructed, a temporary fence of at least 48 inches in height is required to be placed and maintained around the pool. A permanent fence is required to be constructed within 30 days of the pool being wholly or partially filled.
- D. Swimming pools and hot tubs shall ~~not~~ be no closer than 10 feet to any side or rear lot line of the parcel.
- ~~5. No lighting or electrical wiring shall overhang the surface of the water or be so located as to present the possibility of falling into the water. All lighting of the pool or the surrounding area shall not be so located as to reflect on adjacent property or upon adjacent buildings.~~
- E. Inground pools shall only be constructed after securing a permit from the Village of Lake Isabella. Above ground pools which are not seasonally removed, or above ground pools requiring the construction of a new fence shall also require the issuance of a permit from the Village of Lake Isabella.