

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1202 – Intent

Adopted August 4, 1998 – Ordinance 1998-01

Last amended July 15, 2008 – Ordinance 2008-02

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Chapter 1202.01	Purpose
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#### **1202.01 PURPOSE**

The zoning districts provided in this zoning code, and the regulations specified for each such district, have been developed in accordance with the recommendations adopted after public hearings conducted in compliance with the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amend. In their application and interpretation, the provisions of this Article shall be held to be minimum requirements adopted to promote the public safety, health and general welfare.

Among other purposes, these provisions are designed to conserve lands, waters and other natural resources in the Village of Lake Isabella for their most suitable purposes; to protect productive agricultural lands for agricultural uses; to reduce hazards to life and property from flooding, air, and water pollution; to secure safety from fire and other dangers; to promote the orderly development of urbanizing areas; to reduce the dangers of excessive public costs which result from unguided community development; to avoid undue concentration of population by regulating and limiting the density and use of land; to lessen congestion in the public highways and streets; to facilitate the economical development of adequate streets and highways, educational and recreational and other public facilities and services; to insure appropriate locations and relationships of land uses; to ensure proper development of housing and commerce; and to enhance the social and economic stability of the Village of Lake Isabella.

#### **1202.03 INTERPRETATION**

The provisions of this Article shall be held to be minimum requirements adopted for the promotion of the public health, safety, convenience, comfort, prosperity, and economic welfare. Where this Article or Code imposes greater restrictions upon the use of buildings, or other structures, or requires larger yards, or other open spaces, than are imposed or required by other provisions of law, ordinance, or deed restrictions, the provisions of this zoning code shall prevail.

#### **1202.05 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

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greater restrictions than those imposed or required by provisions of other laws, ordinances, private restrictions, covenants, deeds or other agreements, the provisions of this ordinance 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.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1204 – Definitions

Adopted August 4, 1998 – Ordinance 1998-01

Last amended April 25, 2017 – Ordinance 2017-01

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Chapter 1204.01	Construction of Language
Chapter 1204.03	Definitions

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#### **1204.01 CONSTRUCTION OF LANGUAGE**

- The particular shall control the general
- In case of any difference of meaning or implication between the text and any caption or illustration, the text shall control.
- The term “shall” is always mandatory and not discretionary. The term “may” is permissive.
- 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.
- The term building includes the term “structure,” and vice-versa.
- A “building” or “structure” includes any part thereof.
- The term “lot” includes the term “parcel.”
- The phrase “used for” includes: “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”

#### **1204.03 DEFINITIONS**

For the purposes of Article XII (Planning & Zoning) of the codified ordinances of the Village of Lake Isabella the following definitions shall apply, unless otherwise defined herein;

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

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.

## Chapter 1204 - Definitions

Agricultural Labor Housing: A tract of land and all tents, vehicles, buildings and other structures pertaining thereto which is 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.

Airplane 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 in a suitable manner for aircraft to taxi to and from the runway.

Aircraft Hanger, Private: A structure used for the storage of four or fewer 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 in a suitable manner for aircraft to taxi to and from the runway.

Airport: A publically 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 which affords only secondary means of access to abutting property and 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: 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.

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 Communication Towers.

## Chapter 1204 - Definitions

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

Arterial Street: A primary street or road which carries an uninterrupted flow of traffic from one major center to another.

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.

Assisted Living Facilities: A facility that has a combination of housing, supportive services, personalized assistance and/or health care designed to respond to the individual needs of persons, typically the aged or frail who need help with the activities of daily living. Such facilities may include a central or private kitchen, communal dining area, shared recreational or other facilities, while having separate bedrooms or living quarters.

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

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

Automobile Wash: All or part of a building used in the business of washing motor vehicles.

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 basement ceiling. A basement shall not be counted as a story.

Boarding House: A dwelling where lodging and/or meals for compensation where one or more rooms are occupied by persons by pre-arrangement for definite periods of time. This does not include a hotel, motel, convalescent or nursing homes.

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

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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 area for the excavation of sand or gravel where the volume of material extracted will be less than 10,000 cubic yards or an area for the excavation of sand or gravel which is three acres or less in size.

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. The definition of building shall include only those structures with at least 200 square feet of usable floor area.

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.

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 is 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.

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

Commercial Agriculture: The use of land and/or structures for growing and/or production of farm products for income including such operations as dairy farms, grazing and forage, raising of farm animals and production of farm products, agricultural services, animal husbandry or horticultural services, hay baling and threshing, fruit picking, harvesting and tilling.

## Chapter 1204 - Definitions

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 unit that is actively engaged in the commercial production or growing of crops, plants, or animals under a Generally Accepted Agricultural management Practices. Agricultural land includes woodland and wasteland that is a part of the farm unit

Commercial Excavator: An industrial use which 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.

Communication Tower: A structure and use by which communication signals of any type or frequency are relayed, transmitted, or received between locations.

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

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.

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 six children are received for care and supervision.

Day Care Home, Group: A private home in which more than six children and not more than twelve children are received for care and supervision.

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.

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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, 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.

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

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.

Essential Services: The erection, construction, alteration or maintenance of overhead or surface or underground gas, electrical, steam or water distribution or transmission or



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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.

Excavation-Transportation Services: Excavation–Transportation Services shall include farm drainage, water and sewer line construction, septic systems, and related excavation and transportation businesses.

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

Fairgrounds: An area wherein buildings, structures, and land are used for the exhibition of livestock, farm products, etc., and/or for carnival-like entertainment.

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

1. A domestic family which 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.

- (a) A tract may be considered a farm if it is between five and 40 acres, provided it is devoted primarily to an agricultural use and has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land.
- (b) 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 an agricultural use of \$2000.00 or more.

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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 which 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 (CAFO): A lot, structure, or building, or confined area used intensively for raising or keeping of more than six head of beef cattle or similar livestock for the purpose of feeding, breeding, conditioning, or holding the same for marketing or slaughter in which animal waste may accumulate, but not including barns, pens or similar structures.

Filling Stations: Any place where primary petroleum products such as gasoline, motor oil or diesel fuel are sold at retail and auto repairs may be made as a secondary activity.

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.

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.

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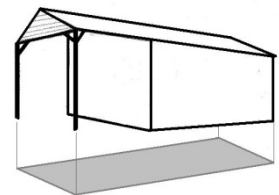
**Flea Market:** An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

**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 ( $\frac{1}{2}$ ) 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 by-products; (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 from food stores or restaurants.

**Footprint:** The area occupied by a structure where posts, foundations, beams, piers, or other support apparatuses connect to the ground as shown on the accompanying illustration by the shaded area underneath the structure. The footprint shall be used to calculate the square footage of structures



**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.

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Gas Station: Any place where petroleum products such as gasoline, motor oil or diesel fuel are sold at retail and auto repairs may be made as a secondary activity.

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 greater than 200 square feet used primarily for storage for the occupants of the primary structure to which it is subordinate to. For parcels located in the LR-1 or LR-2 Zoning District, this definition shall also include other such similar structures with a footprint greater than 200 square feet commonly known as; barns, cold storage, workshops, and other similar structures.

Garage, Private: Part of a primary structure used primarily for the storage including but not limited to, self-propelled vehicles (including boats) and/or associated trailers.

Grade: The established "grade" of the street or sidewalk shall be the elevation of the curb at the mid-point 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.

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.

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.

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: 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.

Group Home, Family: A private residence licensed under Public Act 218 of 1979 for six (6) or fewer adults to be provided with foster care for five (5) or more days a week for two (2) consecutive week. The adult foster care family group home licensee may be either a single person or two persons and is a member of the household and an occupant of the residence, but is not counted among the total adults.

Group Home, Large: A facility licensed under Public Act 218 of 1979, as amended, to provide foster care for at least thirteen (13) but not more than twenty (20) adults.

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Group Home, Medium: A facility licensed under Public Act 218 of 1979, as amended, to provide foster care for at least seven (7) but not more than twelve (12) adults.

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:

- (a) 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.
- (b) 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: Occupations engaged within a dwelling or on the premises of a dwelling by the residents of the same. The occupation shall be incidental and subordinate to the principal use of the building for residential purposes.

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

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.

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. The sale of food and non-alcoholic beverages is considered an accessory use.

Junk: For the purpose of this Ordinance, the term "junk" shall mean any motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals, or other refuse, or parts of any of the above named or enumerated items, such as fenders, motors, electric motors, and like materials.

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.

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

Kennel, Private: The keeping, breeding, raising, showing, or training of four or more dogs over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

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 which 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, which employs 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:

- (a) A measured portion or a parcel or tract of land which is described and fixed in a recorded plat.
- (b) 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 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.

## Chapter 1204 - Definitions

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.

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.

Mineral Extraction Industry: Mineral extraction industries shall include earth removal, quarrying, gravel processing, mining and related mineral extraction businesses. Borrow Pits authorized by this Zoning Ordinance are not Mineral Extraction Industries.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and that includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Mobile home does not include a recreational vehicle. All mobile homes must conform to the U.S. Department of Housing and Urban Development's Code for Mobile Homes.

Mobile Home Park, State Licensed: Mobile home park means a parcel or tract of land under single ownership which three or more mobile 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.

Modular: A sectional prefabricated structure or dwelling that consist of multiple modules or sections which are manufactured in a remote facility off-site and then delivered to their intended site of use.

Motor Vehicle Repair: A place where major repairs are made to motor vehicles, including body work.

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 which provides minor repairs to any motor vehicle, including repairs and replacement of cooling, electrical, fuel and exhaust

## Chapter 1204 - Definitions

systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers, but not body work.

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, building 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.

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.

Nursing Home: A State of Michigan licensed long term care facility providing accommodation and supervised medical and personal care on a twenty-four (24) hour basis for aged or infirm persons. This definition includes facilities with the following licenses from the State of Michigan:

- Sub-acute care facility
- Home for the aged
- Nursing Home
- Hospice facility providing twenty-four (24) hour care

Open Space: Any unoccupied space, devoid of structures and open to the sky on the same lot with 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 which 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 campgrounds, nature centers, riding stables, wildlife sanctuaries, conservation clubs, hunting clubs and gun clubs.



## Chapter 1204 - Definitions

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 an 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 independent 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 minimum flat fee not exceeding two dollars as a service that is incidental to its main purpose or business.

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.

Petroleum Bulk Plant: 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.

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 which 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.

## Chapter 1204 - Definitions

Playground: An area developed for active play and recreation that may contain courts for such games as 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.

Pool Hall: A building or portion thereof having within its premises three or more pool tables or billiard tables, or combination thereof, regardless of size, and whether activated manually or by the insertion of a coin, token, or other mechanical device.

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 internment 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 cemetery.

Privacy Fence: A solid fence which 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.

## Chapter 1204 - Definitions

Quarry: An area for the excavation of sand or gravel where the volume of material extracted will be equal to, or greater than, 10,000 cubic yards or an area for the excavation of sand or gravel which is 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 Laboratory: An establishment which 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.

Residentially Zoned Area: For the purpose of this Ordinance, shall mean any area zoned as an LR-1, LR-2, LR-3, or AR district or any area zoned Residential by an adjacent unit of government.

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 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 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

## Chapter 1204 - Definitions

the use of a fence. This includes associated administrative and office buildings, as well as buildings which provide for the indoor storage of recreational items and vehicles.

Salvage Yards: An area where waste, used or second hand 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.

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 between a structure's footprint and the front, side, or rear lot line(s), which is a line defining the front, side or rear yard requirements outside of which no portion of any structure may be located. It will be that line which coincides with any portion of the structure nearest to the parcel line or the closest point thereon, which includes sun porches, porches, decks, cantilever decks, and foundations, but not steps, second story and above balconies, eaves, roof overhangs, and bay windows.

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.

Shopping Center: A group of retail, office, and/or service establishments with 10,000 or more square feet which is planned, constructed, and managed as a total entity with shared customer and employee parking provided on-site. This includes malls which are typically enclosed with a climate-controlled walkway between stores and strip malls which typically have individual entrances for each business which front a courtyard, walkway, or parking lot.

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-Family Dwellings: A detached building designed and occupied exclusively by a single family.

## Chapter 1204 - Definitions

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.

Small Group Home – A facility licensed under Public Act 218 of 1979, as amended, to provide foster care for six (6) or fewer adults.

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 removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock, or similar materials, except 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 exchanges, 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 as a Principal Use Permitted Subject to Special Conditions which, due to its potential effect on adjacent lands in particular, and the overall Village in general, requires approval by the Lake Isabella Village Council according to the standards as provided in this Article.

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 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.

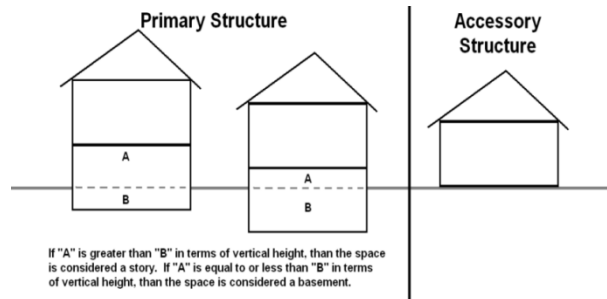
State Licensed Residential Facilities: A structure completed for residential purposes and is licensed by the state under Public Act 218 of 1979 that provides resident services to six or fewer adults under 24-hour supervision or care. A Family Group Home and a Small

## Chapter 1204 - Definitions

Group Home are both considered State Licensed Residential Facilities as used in the zoning code for the Village of Lake Isabella.

**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.

**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 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 retail establishment primarily selling food, as well as other convenience and household goods, which occupies more than 10,000 square feet of gross floor area.

**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 rubber portable 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 which 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.

## Chapter 1204 - Definitions

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.

Use: The nature 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 circumstance unique to the individual property for which the variance is requested. A variance shall not include 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 facility where goods are received and/or stored for delivery or shipment to customers elsewhere.

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

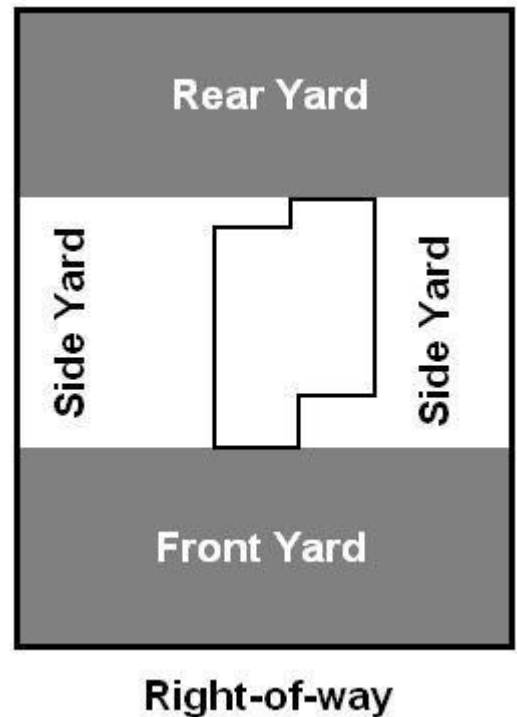
Wind Turbine: A wind energy conversion device that produces electricity; typically three blades rotating about a horizontal axis and positioned up-wind of the supporting tower.

Winery: A facility used for the commercial purpose of processing of fruit and/or vegetables 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.

**Yard:** The shorter horizontal distance from lot line to the nearest line or edge of the primary structure. In terms of structures with staggered façades, as illustrated below, primary yards shall be the front and rear yards. Secondary yards shall be the side yards.

- (a) **Front yard/Street Yard.** An open space 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.
- (b) **Rear Yard/Waterfront Yard.** An open space across the full width of a parcel extending into the parcel from the rear parcel line to the primary structure.
- (c) **Side Yard.** An open space between the front yard and rear yard extending into the parcel from the side parcel line to the primary structure. A side yard shall be unoccupied by any use other than those permitted as an accessory use or building.



**Zoning Administrator:** The administrative official appointed by the Village Council who is responsible for the enforcement of the zoning code of the Village of Lake Isabella.

**Zoning Board of Appeals:** (Also known as board of appeals.) This is the body which hears appeals on administrative decisions, variance requests, interprets the provisions of this ordinance and fulfills any other duties delegated to it by this or any other properly adopted ordinance in the Village of Lake Isabella in accordance with the provisions of Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended).

**All Other Words Not Defined:** All other words shall have the meaning as defined in the most current Webster's New World Dictionary.



# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1210 – Lots in Common Ownership

Adopted August 4, 1998 – Ordinance 1998-01

Last amended on July 19, 2016 by Ordinance 2016-01

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#### Chapter 1210.01 Regulations

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#### **1210.01 REGULATIONS**

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 separate from one another in a manner which 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 which 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:
    1. The lots are combined as a single parcel for taxation.
    2. 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 the purpose of 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.

## Chapter 1210 – Lots in Common Ownership

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.
  - (c) Such split, division, or decoupling must also be approved by the Village Planning Commission pursuant to the procedures and standards for Site Plan Review, but is not subject to the Site Plan Escrow Account, as specified in chapter 1214 of the zoning code.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1212 – General Provisions

Adopted August 4, 1998 – Ordinance 1998-01

Last amended on October 20, 2015 – Ordinance 2015-07

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Chapter 1212.01	Access to a Street
Chapter 1212.03	Animals & Livestock, Keeping of
Chapter 1212.05	Area or Space Required
Chapter 1212.07	Corner Lot
Chapter 1212.09	Accessory Uses
Chapter 1212.11	Dumpsters
Chapter 1212.13	Single-Family Dwellings
Chapter 1212.15	Essential Public Services
Chapter 1212.17	Front Yard Exceptions
Chapter 1212.19	Height Exceptions
Chapter 1212.21	Moving of Structures
Chapter 1212.23	Principal Use
Chapter 1212.25	Solar Panels, Satellite Dishes, Antennas, and Wind Generators
Chapter 1212.27	Temporary Facilities
Chapter 1212.29	Temporary Structures
Chapter 1212.31	Temporary Residence
Chapter 1212.33	Temporary Vendors
Chapter 1212.35	Structure Completion
Chapter 1212.37	Bathroom/Sewage Disposal Systems
Chapter 1212.39	Visual Clearance, Corner Parcels
Chapter 1212.41	Private Drives & Streets
Chapter 1212.43	Uses not Designated
Chapter 1212.45	Grade Limits
Chapter 1212.47	Parcels Partially Located Outside Village Boundaries
Chapter 1212.49	Fertilization & Landscaping
Chapter 1212.51	Combination of Lots
Chapter 1212.53	Conditional Rezoning
Chapter 1212.55	Open Space Preservation
Chapter 1212.57	Hard Surfacing for Development
Chapter 1212.59	Medical Marijuana Dispensary
Chapter 1212.61	Medical Marijuana Cultivation Facility

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#### **1212.01 ACCESS TO A STREET**

Any lot or parcel created after the effective date of this ordinance shall have frontage on a public street or a private street which has been approved by the Village of Lake Isabella via a Site Plan.

**1212.03 ANIMALS & LIVESTOCK, KEEPING OF**

1. No livestock animals, fowl, poultry other than customary household pets may be housed or bred in any residential district.

**1212.05 AREA OR SPACE REQUIRED**

No lot, or lots in common ownership, parking area or other space shall be reduced to less than the minimum required under this ordinance, unless as part of an approved land division or lot combination. No lot or other area shall be further reduced if already less than the minimum. No portion of an existing lot of record shall be sold if the new lot which is created does not meet the area and dimension requirements of the district in which it is located.

**1212.07 CORNER LOT**

Any yard that abuts a street right-of-way shall meet the front yard requirements of the district in which it is located. The remaining yards shall be considered side yards

**1212.09 ACCESSORY USES**

Accessory uses may be permitted when done on a parcel with a conforming primary/principal structure and use provided that such accessory use is subordinate to the primary/principal use, is incidental in nature, and generally related to the primary/principal use.

**1212.11 DUMPSTERS**

1. Dumpsters are prohibited on vacant parcels, and also on parcels that have a primary/principal use of a detached single-family dwelling or hangar otherwise allowed by this zoning code. Except during construction, remodel, repair, or renovation as part of an approved zoning or building permit, or for other reason up to forty-five days (45) in any 12 month period by the issuance of a temporary zoning permit. At no time shall an allowed dumpster be located in any required front, rear or side yard(s) setback.
2. 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:
  - (a.) The dumpster shall be enclosed on all sides by masonry blocks 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.
  - (b.) Such enclosures shall prevent trash from being scattered by wind or animals.
  - (c.) Bollards or posts shall be placed on the interior of the enclosure to protect the walls from damage by the trash containers within.
  - (d.) The dumpster shall be placed on a concrete pad.
  - (e.) 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.

Chapter 1212 – General Provisions

(f.) The dumpster enclosure shall be located in either a rear or side yard.

**1212.13 DETACHED SINGLE-FAMILY DWELLINGS**

All detached single-family dwellings located outside of a state licensed mobile home park shall comply with the following requirements and conditions:

1. 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 Width to Length Ratio	Minimum Required Attached Garage Size
<b>LR-1</b>				
Waterfront	1,400	1,000	1:2.5	1
Back-lot	1,200	1,000	1:2.5	1
Single T-Lot	840	840	1:2.5	2
<b>Ag.</b>	1,000	1,000	1:2.5	2
<b>Airport Res.</b>	1,000	800	1:2.5	2
<b>LR-2</b>	800	800	1:4	3
<b>LR-3</b>	1,200	1,000	1:2.5	1
<b>WCBD</b>	1,000	1,000	1:2.5	2
<b>Com.</b>	1,000	1,000	1:2.5	2

Required Garage Sizes:

1. 35% of the ground floor Dwelling Area, up to a maximum “minimum size” of 484 ft<sup>2</sup>.
2. 30% of the ground floor Dwelling Area, up to a maximum “minimum size” of 288 ft<sup>2</sup>.
3. 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>.
2. 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.
3. All wheels, towing mechanisms, and tongues of mobile homes shall be removed, and none of the undercarriage shall be visible from the exterior of the mobile home.
4. Manufactured housing shall comply with all regulations normally required for site-built dwellings in the zoning district in which it is located. All manufactured homes must meet

## Chapter 1212 – General Provisions

the standards for manufactured home construction contained in the HUD regulations entitled “Manufactured Home Construction and Safety Standards,” effective June 15, 1976, as amended.

5. 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 in accordance with the adopted building code of the Village of Lake Isabella. Manufactured housing shall be securely anchored to its foundation in order to prevent displacement during windstorms.
6. All dwellings shall be connected to a public sewer system and water supply system and/or a well or septic system approved by the local Health Department. At no point may any part of the foundation of a primary or accessory structure be closer than 10 feet to the nearest point on any septic tank or field.
7. 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. The orientation of the dwelling's front entrance-way shall be similar to the orientation of homes in the neighborhood in which it is located.
8. All additions to dwellings shall meet all of the requirements of this ordinance including the required width to length ratio.
9. The use of any basement as a dwelling is prohibited. Any dwelling without a full floor above grade level shall be considered a basement dwelling.
10. Attached garages are required for all new single-family dwellings, and all new and existing attached garages shall comply with the following requirements:
  - A. Attached garages larger than what is required in any zoning district may be permitted when either of the following requirements are met:
    1. The footprint of the attached garage is equal to, or less than, 1,008 square feet.
    2. For detached single-family dwellings located on parcels which are equal to or greater than 1 acre in size an attached garage in excess of 1,008 square feet may be permitted if the footprint of the attached garage is equal to, or less than, 60% of the ground floor habitable space of the detached single-family dwelling.
  - B. The highest point on the roof over the attached garage may at no point be higher than the highest point on the roof over the rest of the structure.
  - C. All exterior lighting shall be directed downward to reduce light pollution.
  - D. Single-family dwellings in existence or permitted at the date of adoption of this zoning code which lack an attached garage are allowed to remain and be expanded without the construction of an attached garage.
  - E. Detached single-family dwellings located in either the Lake Residential-1 (LR-1) or Lake Residential-2 (LR-2) district which were permitted or built prior to 2008 may

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convert an attached garage of 484 square feet or less into habitable floor space without being required to replace the attached garage space with either an attached or detached garage.

11. The required minimum dimensions shall be determined as follows:

- A. Dwelling Area: shall be 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.
- B. Average Dwelling Length: 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.
- C. Average Dwelling Width: shall be defined as the dwelling area divided by the average dwelling length.
- D. Dwelling Proportion “Width to Length Ratio”: Dwelling proportion shall be a number computed as average dwelling length divided by average dwelling width. This dwelling proportion must not exceed the value established for the zoning district in which the dwelling unit is located.

12. The development of detached single-family homes shall conform to the district regulations contained in the zoning code, and all applicable overlay districts.

13. All new detached single-family dwellings built after the effective date of this ordinance shall conform to the following minimum design requirements:

Condition		All Districts	Only LR-1 District
A.	A minimum dwelling width of 20 feet	*	
B.	A minimum dwelling length of 20 feet	*	
C.	At least one window on all sides	*	
D.	At least one door which opens into the street-side yard	*	
E.	At least a 4 x 12 roof pitch	*	
F.	Pick 1 Must have a cover porch; or, Must have an offset in the front façade of at least 4 feet in depth and 8 feet in length. <sup>1</sup>		*
G.	Pick 1 Must have either 1 dormer for every 20 feet of width, and fraction thereof; or, <sup>2</sup> Must have a gable end facing the right of way for all or part of the roof. <sup>3 &amp; 4</sup>		*

**Footnotes to Design Requirements:**

- 1. An uncovered deck does not satisfy this condition.

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2. Dormers may be faux.
3. Only a portion of the roof must have a gable, which may be only over the attached garage area.
4. If the dwelling is a two-story home, a gambrel roof may be substituted for the gable end requirement.

### **1212.15 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 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.

The Planning Commission hereby is granted the power to permit any public service corporation, contemplated in the foregoing paragraph, to erect and use a building or an addition to an existing building, or a structure for the aforesaid public utility purposes in any permitted district to a greater height or of a greater area than the district requirements herein established; and to permit the location in any use district of a public utility building or structure providing such board of appeals shall find such use, height, area, building or structure necessary for public convenience and service, provided that such public building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district and the advantage of the proposed location to the utility is not outweighed by the detriment to the locality and a different suitable location is not readily available.

### **1212.17 FRONT YARD EXCEPTIONS**

Exceptions to the front yard requirements of this ordinance may be granted by the Zoning Administrator as allowed herein.

1. An exception of up to 5 feet may be granted for habitable floor space to ensure harmony by conforming to established front yard setbacks with developed parcels within 300 feet of the site; or,
2. An exception of up to 8 feet may be granted for a covered porch. Covered porches approved under this section may not be fully enclosed without approval from the Zoning Board of Appeals.

### **1212.19 HEIGHT EXCEPTIONS**

The following structural appurtenances may exceed the height limitations for authorized uses, as specified in the appropriate zoning district, only if approved prior to construction by the Zoning Administrator.

- (1) Structures for agricultural operations in any agriculturally zoned district not exceeding



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100 feet, provided that any required yard setback shall be equal to the height of the structure.

- (2) 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.
- (3) When the Zoning Administrator grants a height exception under this section of the zoning code, he/she 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.

### **1212.21 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 building inspector prior to such moving.

### **1212.23 PRIMARY STRUCTURE & PRIMARY USE**

1. 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.
2. 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 which are regulated as a principal use may be erected on appropriately zoned parcels in addition to one (1) dwelling otherwise permitted on such a parcel.
3. 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.

### **1212.25 SOLAR PANELS, SATELLITE DISHES, ANTENNAS, AND WIND GENERATORS**

In all residential districts, free standing solar panels, satellite dishes, antennas and wind generators shall be considered accessory structures and accessory uses, and shall meet all the requirements of such as defined herein.

### **1212.27 TEMPORARY FACILITIES**

Temporary accessory structures for uses incidental to construction work may be authorized by permit by the Zoning Administrator after issuance of a zoning permit for the proposed structure. The temporary permit shall specify the location of the temporary accessory structure and shall terminate six months after the date of its issuance. The Zoning Administrator may renew the permit for additional six-month periods if construction of the

principal structure has been progressing in a reasonable manner. In any event, the temporary facility and all debris shall be removed within 15 calendar days after completion or abandonment of the work.

**1212.29        TEMPORARY STRUCTURES**

- A. In all residential districts, No structure, whether temporary or permanent, of a fixed or portable construction, including but not limited to, screen-tents, freestanding canopy tents, portable carports, utility trailers, professional craftsman tool trailers, semi-truck trailers, shipping containers, storage pods, and other such portable or seasonal structures, shall be erected or moved onto a lot or parcel and used for or stored for temporary purposes unless such temporary structure is expressly authorized by the zoning code and it meets the minimum standards as defined in this chapter of the zoning code of the Village of Lake Isabella.
  - 1. No temporary structure may be located within any front, side, or rear required setback area for any parcel in the village.
  - 2. No temporary structure may be taller than 12 feet, unless otherwise approved by the Zoning Administrator.
  - 3. No temporary structure shall be permitted to be erected, stored, or used for a period of more than 90 days at a time. Except, craftsman tool trailers may be utilized for a period of time greater than 90 days at a time only during construction, remodel, repair, or renovation as part of an approved zoning or building permit.
- B. In all non-residential districts, No structure, whether temporary or permanent, of a fixed or portable construction, including but not limited to, screen-tents, freestanding canopy tents, portable carports, utility trailers, professional craftsman tool trailers, semi-truck trailers, shipping containers, storage pods, and other such portable or seasonal structures, shall be erected or moved onto a lot or parcel and used for or stored for temporary purposes unless such temporary structure is expressly authorized by the zoning code and it meets the minimum standards as defined in this chapter of the zoning code of the Village of Lake Isabella.
  - 1. No temporary structure shall have a footprint which occupies more than 200 square feet of ground coverage unless otherwise approved by the Planning Commission.
  - 2. No temporary structure may be taller than 12 feet, unless otherwise approved by the Planning Commission.
- C. No temporary structure shall be permitted to be erected, stored, or used for a period of more than 90 days at a time unless otherwise permitted or approved by the Village of Lake Isabella as allowed in the zoning code. Except, craftsman tool trailers may be utilized for a period of time greater than 90 days at a time only during construction, remodel, repair, or renovation as part of an approved zoning or building permit.

**1212.31        TEMPORARY RESIDENCE**

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No structure of a temporary character such as a trailer, mobile home, basement, tent, shack, ice shanty, garage barn, barn, boat, houseboat or other outbuilding 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.

### **1212.33 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 to be 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:

1. Temporary Vendors shall only operate on developed parcels with the permission of the owner of record of the parcel.
2. Temporary Vendors shall not conduct business via the placement tents, trailers, trucks, or carts in a public right-of-way.
3. A Temporary Vendor shall not use tents, trailers, trucks, or carts which occupy more than 200 square feet of ground coverage unless approved by the Planning Commission.
4. Temporary Vendors shall not use tents, trailer, trucks or carts which are taller than 12 feet unless otherwise approved by the Planning Commission.
5. 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.
6. Temporary Vendor(s) shall limit their operations to one of the following time frames:
  - a. Not more than 2 days per calendar week, with a maximum of three consecutive days, for a period not to exceed 8 consecutive calendar weeks.
  - b. Not more than 8 consecutive weekends. For the purpose of this sub-section, “weekends” shall be considered Friday, Saturday, and Sunday.
  - c. Not more than 35 consecutive days.
7. 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

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Commission. The Planning Commission shall review and process the application under the conditions and regulations as found in Chapter 1214 of the zoning code applicable to Site Plans. Any such approval shall be limited to a maximum time frame of 180 days.

8. Parcels may have up to two Temporary Vendors in operation at any single time unless otherwise approved by the Planning Commission in the following sub-section.
9. 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 as found in Chapter 1214 of the zoning code applicable to Site Plans. Any such approval shall be limited to a maximum time frame of 30 days.

### **1212.35 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 within one year after a zoning permit has been issued. This includes, but is not limited to the complete exterior structure completion, site graded, sodded or seeded, landscaped and driveway installed. During the period of construction 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, for up to six (6) months, extend this period 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.

### **1212.37 BATHROOMS/SEWAGE DISPOSAL SYSTEMS**

1. 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.
2. 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.

### **1212.39 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 right-of-way, no structure, planting, or fence shall be erected or maintained which 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.

**1212.41 PRIVATE DRIVES AND PRIVATE STREET REGULATIONS**

No private street, private easement, access easement, or other similar means of granting ingress/egress shall be constructed, extended or used unless done in compliance with any other applicable Village ordinances and also pursuant to site plan approval by the Planning Commission. The following shall be applicable to all private streets:

- A. 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.
- B. No private street, private easement, access easement, or other similar means of granting ingress/egress shall be constructed, extended or used until and unless a private road maintenance agreement has been submitted to and approved by the Village Council, and the same has been fully executed and recorded with the County Register of Deeds records.
- C. Construction standards for a private street shall comply with the requirements of any applicable Village ordinance and/or resolution and any rules, regulations, or conditions specified by the Village Engineer.
- D. There shall also be full compliance with Chapter 432 of the Codified Ordinances for the Village of Lake Isabella.

**1212.43 USES NOT DESIGNATED**

Since every type of 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.

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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.

### **1212.45 GRADE LIMITS**

Sand, dirt and similar materials shall not be used to build up or add to the natural grade of the land in connection with the installation, building, or expansion of a building or structure if such alteration would, in the opinion of the Zoning Administrator, do any of the following:

- A. Unreasonably increase water runoff or drainage onto one or more adjoining properties due to the amount, concentration, or flowage rate of runoff waters; or
- B. Increase the height of a building or structure so as to unreasonably decrease the view on one or more adjoining properties of a lake, stream or natural vista or create a situation which is incompatible with the surrounding uses.
- C. Any party aggrieved by the decision of the Zoning Administrator under this Section may appeal that determination to the Zoning Board of Appeals.

### **1212.47 PARCELS LOCATED PARTIALLY OUTSIDE 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 prior to 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.

### **1212.49 FERTILIZATION & LANDSCAPING**

The chemical treatment and fertilization of lawns, yards and other grass areas of lands 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.

### **1212.51 COMBINATION OF LOTS**

In addition to the requirements of this chapter listed above, lots in recorded plats may be split and then combined into adjoining properties under the following conditions and regulations:

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1. Such 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.

### **1212.53      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.

### **1212.55      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.

### **1212.57      HARD SURFACING FOR DEVELOPMENT**

Every drive, driveway, parking lot, service drive, or public road or street, private road or street, or similar area or access for or serving a commercial, business, industrial, or other non-residential use or structure, or for a new plat, subdivision, condominium or site-condominium development shall have a hard surface (either asphalt or concrete) unless waived by the Planning Commission or Village Council.

### **1212.59      MEDICAL MARIJUANA DISPENSARY**

A facility or use where three or more registered primary caregivers operate and/or provide services for compensation or membership fee (or which is utilized by three or more registered primary caregivers to grow, process, acquire, or distribute marijuana) on a single parcel or lot under the Michigan Medical Marijuana Act (MMMA) is hereby classified as a marijuana dispensary and such is prohibited in the Village of Lake Isabella.

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### **1212.61 MEDICAL MARIJUANA CULTIVATION FACILITY**

The cultivation and distribution of marijuana in the Village of Lake Isabella shall be limited to registered primary caregivers as defined in the Michigan Medical Marijuana Act (MMMA) and shall be allowed only in an enclosed, locked area within a primary structure. Any lot or parcel in the Village of Lake Isabella where more than the maximum amount/number of marijuana plants allowed by the MMMA for two (2) registered primary caregivers (as defined by the MMMA) are grown, kept, or cultivated at any one time shall be considered a marijuana cultivation facility and such a facility is prohibited in the Village of Lake Isabella.



# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1214 – Site Plans

Adopted August 4, 1998 – Ordinance 1998-01

Last Amended by Ordinance 2016-06; Adopted on July 19, 2016

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Chapter 1214.01	Purpose
Chapter 1214.03	Applicability
Chapter 1214.05	Detailed Site Plan Requirements
Chapter 1214.07	Review Procedure
Chapter 1214.09	Site Plan Review Standards
Chapter 1214.11	Special Studies
Chapter 1214.13	Regulations
Chapter 1214.15	Amendments & Modifications of Approved Site Plans
Chapter 1214.17	Site Plan Escrow Account

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#### **1214.01 PURPOSE**

The purpose of this Chapter is to require the review of the physical development of certain structures which may have a significant 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 Village’s Master Plan, and that new development is not overly detrimental to surrounding parcels and uses, the environment, the public’s health and safety, and 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.

#### **1214.03 APPLICABILITY**

The Village of Lake Isabella utilizes three different levels of Site Plan submissions. Those are as follows:

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 single-family zoned 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.

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 can interpret the drawing. A Medium Site Plan is required for:

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- (1) Any permitted use other than a detached single-family dwelling to be located in an existing structure;
- (2) For any matter before the Zoning Board of Appeals;
- (3) For anything not listed as needing a Basic Site Plan or a Detailed Site Plan;
- (4) For an addition to an existing commercial structure which is equal to or less than 20% of the existing footprint of the structure;
- (5) For an addition to an existing industrial structure which is equal to or less than 10% of the existing footprint of the structure; or
- (6) Items as listed in the Zoning Code.

Detailed Site Plan: A Detailed Site Plan is required for:

- (1) Any new non-residential structure;
- (2) All Special Land Uses;
- (3) Planned Unit Developments;
- (4) Private roads;
- (5) Condominiums;
- (6) Site Condominium projects;
- (7) All other items required by the Zoning Code.

### **1214.05 DETAILED SITE PLAN REQUIREMENTS**

Each site plan submitted shall contain the following information, unless specifically waived by the Planning Commission, in whole or in part;

1. The name and address of the property owner and petitioner if different from the owner.
  2. The legal description of the parcel, including acreage.
  3. Floor Plan and Elevation drawings for all structures with a foot print greater than 200 square feet. Elevations shall include the exterior finishes of the structure, and include dimensions for all windows, door, and other pertinent features.
  4. A detailed plot plan of the site, including:
    - 1) The name and address of the individual or firm responsible for the preparation of the site plan.
    - 2) 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.
    - 3) All lot and/or property lines are to be shown and dimensioned, including required setback lines.
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- 4) The location and height of all existing and proposed structures on and within 100' of the subject property's boundary.
- 5) 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.
- 6) 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.
- 7) The respective zoning abutting the subject property.
- 8) The location, height and types of fences, walls and landscaping.
- 9) Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.
- 10) Trash receptacle location and screening.
- 11) The location and size of all surface water drainage facilities.
- 12) A location sketch drawn to scale, showing the location of the site within the jurisdictional boundary of the Village of Lake Isabella.
- 13) Natural Features such as wetlands, high risk erosion area, slopes over 10%, or woodland areas. For the purpose of this sub-section, 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.
- 14) 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).
- 15) For multiple family and mobile home developments, contour intervals shall be shown (two foot intervals for average slopes ten percent and under, five foot intervals for slopes over ten percent). Topography, however, is encouraged to be shown on all site plans.

### **1214.07 REVIEW PROCEDURE**

- Step 1. Pre-Application Conference: An optional meeting is held between the developer and the Village. The Village should be represented by the Zoning Administrator and the Chair of the Planning Commission. The project shall be reviewed, and what information is needed for the preliminary Site Plan submission discussed.
  - Step 2. Preliminary Site Plan Submission: The developer completes a Preliminary Site Plan and submits it to the Planning Commission for review.
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## Chapter 1214 – Site Plans

- Step 3. Preliminary Site Plan Review: The Planning Commission reviews the Preliminary Site Plan. At this step in the process, the Planning Commission determines what, if any, additional studies will be required as part of its official review, as well as if the Site Plan Escrow Account will be used in the process.
- Step 4. Completed Site Plan Submission: The developer completes the needed items as detailed by the Planning Commission during its review of the Preliminary Site Plan and submits the completed document, along with the receipt of acknowledgement, to the Zoning Administrator.
- Step 5. Public Notice: The Zoning Administrator schedules a Public Hearing for the next regular meeting date of the Planning Commission that is at least 21 days from the date of receipt. Notice of the hearing is to be mailed to all property owners within 300 feet of the property subject to the Site Plan, as well as published in a paper of general circulation at least 15 days before the hearing.
- Step 6. Public Hearing: The Planning Commission holds a public hearing, prior to conducting its final review.
- Step 7. Review & Recommendation: The Planning Commission conducts its final review after the close of the public hearing. As part of its review, the Planning Commission may impose conditions on the approval, require changes to the proposed Site Plan, post-pone action for additional materials, or recommend approval or denial to the Village Council.
- Step 8. Final Approval: The developer makes any required modifications, and submits an updated Site Plan along with a Development Agreement which details the requirements imposed by the Planning Commission to the Village Council for review and approval.

### **1214.09 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:

- 1) That the movement of vehicular and pedestrian traffic within the site and in relation to ingress and egress to the site will be safe and convenient.
  - 2) 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 appropriate placement of structures and landscaping.
  - 3) 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.
  - 4) 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
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## Chapter 1214 – Site Plans

community. This includes, but is not limited to, access ability of emergency response vehicles.

- 5) That the site plan has incorporated adequate noise mitigation measures to address nuisances which include, but is not limited to; HVAC, air condition, heating and similar devices; coming, going and idling of motor vehicles; and the loading and unloading of trucks and equipment.
  - 6) That the site plan accounts for the storage of raw good and materials, as well as finished product. 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.
  - 7) Site Plans for facilities which use or generate hazardous substances in either quantities greater than two hundred (200) pounds per month, or one hundred (100) gallons, shall be subject to the following additional site plan submittal requirements:
    - a. Location and size of interior and exterior areas and structure to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
    - b. Location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
    - c. 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.
    - d. Location of all water wells on the site and within one hundred fifty (150) feet of the property's boundaries.
    - e. Delineation of areas on the property which are known or suspected to be contaminated with a report on the status of clean-up activities.
    - f. 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.
    - g. All applicable county, state, and federal permits relating to hazardous materials.
  - 8) 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.
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## Chapter 1214 – Site Plans

- 9) 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.

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.

### **1214.11 SPECIAL STUDIES**

For complex site plans and/or for land uses that may generate significant impacts on surrounding land uses or public facilities, the Planning Commission may require any or all of the following reports or studies, or components thereof, as a part of a complete site plan.

1. Environmental Assessment shall be a summary review of the environmental impacts of a project in accordance with the following standards:
  - a. The purpose of the Environmental Assessment shall be
    - 1) 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;
    - 2) to inject into the developer's planning process consideration of the characteristics of the land and the interests of the community at large, and
    - 3) to facilitate participation of the citizens of the community in the review of substantial developments.
  - b. Guidelines. When required by the Planning Commission pursuant to this Section, an applicant for site plan, special use permit or planned development approval 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

## Chapter 1214 – Site Plans

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.

- c. Content. The following material shall be included and/or addressed in the Environmental Assessment, unless specifically waived by the Planning Commission as not applicable:
- 1) 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:
    - a) Flora and fauna (be sure to list any endangered species on-site)
    - b) General topography and drainage patterns including any regulated features such as wetlands, high risk erosion areas or other features
    - c) Adjacent waterways
    - d) Existing wells, approximate depth and use
  - 2) 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.
  - 3) 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.
  - 4) 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.
  - 5) A description of the existing soils on-site and a statement as to the suitability of these soils for the proposed use.
  - 6) 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 historic or archeological resources.
  - 7) 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.
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## Chapter 1214 – Site Plans

- 8) 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.
  - 9) A description of any storm water 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.
  - 10) If a Federal, State, or local regulatory authority has conducted an Environmental Assessment, Environmental Impact Statement, or a 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.
  - 11) 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.
  - 12) A description of off-site impacts from odors or lighting and measures to mitigate such effects.
  - 13) A description of the anticipated traffic to be generated by the proposed use.
  - 14) A description of plans for site restoration after construction.
  - 15) A description of methods to handle sanitary waste for the project both during construction and after completion.
  - 16) 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, any regulatory requirements that may apply and the status of such regulatory approval.
  - 17) A description of any additional items as needed to describe the potential environmental impacts of the proposed project.
  - 18) Chain of title history from abstract company detailing easements, deed restrictions or other encumbrances.
- d. 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.
  - e. 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.
2. Traffic Impact Study. The Planning Commission may require that a traffic impact study completed by either a licensed engineer or AICP certified planner,
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## Chapter 1214 – Site Plans

with a minimum of three years of experience in preparing traffic studies, 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.

- a. **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 describing 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.
  - b. **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 on 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.
  - c. **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
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## Chapter 1214 – Site Plans

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:

- 1) A narrative summary at the beginning of the report, including, but not limited to:
    - a) The applicant and project name.
    - b) A location map.
    - c) The size and type of development.
    - d) 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).
  - 2) Project phasing identifying the year of development activities per phase and proposed access plan for each phase.
  - 3) A transportation system inventory, which describes the physical, functional and operational characteristics of the study area highway system and, where appropriate, locate transit services. The description should provide, where pertinent, data on:
    - a) peak-hour volumes (existing and projected)
    - b) number of lanes
    - c) cross-section
    - d) intersection traffic signals and configuration
    - e) traffic signal progression
    - f) percentage of heavy trucks
    - g) adjacent access point locations
    - h) jurisdiction
    - i) grades
  - 4) Plan showing proposed roadway per phase for each access. Driveway design and roadway improvements shall meet the adopted design standards for the entity with jurisdiction for said roadway.
  - 5) Capacity analysis shall be performed at each access point. The Village's preference is the use of Highway Capacity Software, (HCS 2000), or a later version thereof. Default values shall not be used when actual values are reasonably available or obtainable. The interaction of conflicting traffic movements shall be addressed in the traffic impact study. Any
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## Chapter 1214 – Site Plans

proposed signalized access within one (1) mile of an existing signalized intersection shall be analyzed in coordination with the existing signal timing.

- 6) A traffic impact study shall include an analysis of conditions with and without the proposed development on the existing system, and with the proposed development for both existing and projected traffic volumes. The traffic volumes for the development shall assume a total build out. The completed analysis shall be summarized in a table showing all the Measures of Effectiveness (MOE) for all of the above conditions.
  - 7) Required operational changes shall be part of the site plan review and any access permit approval process.
- d. Evaluation and Criteria. As a general criteria, 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.
- e. 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.

### **1214.13 REGULATIONS**

- 1) No grading, removal of trees or other vegetation, land filling, 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.
  - 2) The Village (Council, Zoning Administrator, or other official) shall not issue a zoning permit for any use requiring site plan approval until an approved site plan has been signed by the Chairman of the Planning Commission.
  - 3) The building inspector shall not issue a building permit for any use requiring site plan approval until an approved site plan has been signed by the Chairman of the Planning Commission.
  - 4) 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.
  - 5) 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.
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**1214.15 AMENDMENTS & MODIFICATION OF APPROVED SITE PLANS**

The applicant, or 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 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.

- 1) 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.
- 2) The Zoning Administrator shall review the request and notify the applicant and Chairman of the Planning Commission in writing as whether the proposed change is a major change. Major changes to approved site plans include any of the following modifications:
  - a) A change in the overall concept of the applicant or developer.
  - b) A change in the use or character of the development.
  - c) An increase of 2 or more dwelling units.
  - d) An increase of non-residential floor area of 5% or more.
  - e) An increase of 5 or more off-street parking spaces.
  - f) The rearrangement of lots, blocks, and building tracts.
  - g) A change in the location or character of any street.
  - h) A reduction or the relocation in the amount of space set aside for common areas, landscaping, or greenbelts.
  - i) The addition of any structure(s) with a foot print equal to or greater than 200 square feet.
  - j) The exterior placement or storage of raw materials, finished product, merchandise, goods for sale, or equipment originally proposed to be located inside a structure.
  - k) The reconfiguration, addition, or deletion of loading and unloading areas.
- 3) All modifications approved by the Zoning Administrator and/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.

**1214.17 SITE PLAN ESCROW ACCOUNT**

- 1) The Village of Lake Isabella has established a blanket application fee by resolution of the Village Council on all site plan applications. The Village
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## Chapter 1214 – Site Plans

recognizes that certain site plans require outside expert assistance in the review process that at times can be a large out of pocket expense that is above and beyond the typical or average review of a basic site plan.

The Village therefore establishes a reasonable fee to be added to certain site plans for the purpose of covering out of pocket expenses needed in the review process that would be incurred by the Village to ensure the enforcement of all ordinances of the Village.

- 2) In addition to the fixed application fees, all other expenses and costs incurred by the Village which are directly associated with reviewing and processing a zoning application for uses specified in Chapter 1214.03 shall be paid (or reimbursed to the Village) from the funds set aside in an Escrow Account established from the applicant as provided herein. The Village may draw funds from the Escrow Account to reimburse the Village for out-of-pocket expenses incurred by the Village relating to the application. Such reimbursable expenses include, but are not limited to, expenses related to the following.
    1. Mailing, legal notices and commission member compensation for special Planning Commission meetings and Planning Commission subcommittee meetings.
    2. Mailing, legal notices, and Village Council member compensation for special Council meetings and Council committee meetings.
    3. Mailing, legal notices, and Zoning Board of Appeals (ZBA) member compensation for special ZBA meetings.
    4. Services of the Village attorney directly related to the application.
    5. Services of the Village engineer directly related to the application.
    6. Services of the Village Zoning Administrator or Planner directly related to the application
    7. Services of other professionals working for, or under contract by, the Village which are directly related to the application.
    8. Any additional public hearings, required mailings and legal notice requirements necessitated by the application.
  - 3) Applications involving the following shall be subject to the Escrow Fund requirements:
    1. Site Plan reviews required for Multi-family, Commercial, Industrial or Coldwater Business structures.
    2. Planned Unit Developments
    3. Special Land Use Permits (Except Home Occupations and Daycare)
    4. Plat Approvals
    5. Site Condominiums and Condominiums.
    6. Private Road Approval/Permits
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## Chapter 1214 – Site Plans

- 4) The escrow fee for each application for uses specified in hereof are established at \$500.00 increments commencing with an initial \$500.00 deposit by the applicant to the Village.
    1. The initial \$500.00 escrow fee shall be provided by the applicant to the Village at the time of application (or at other times as necessary following the filing of an application). No application shall be completely processed or submitted to the Planning Commission prior to the required escrow fee having been deposited with the Village.
    2. Any excess funds remaining in the Escrow Account after the application has been fully processed, reviewed, and the final Village decision has been rendered regarding the project will be refunded to the applicant with no interest to be paid on those funds.
    3. At no time prior to the Village's final decision on the application shall the balance in the Escrow Account fall below \$250.00, an additional deposit of \$500.00 by the applicant into the Escrow Account shall occur before the application review process will be continued.
    4. Additional amounts above \$500.00 may be required to be placed in the Escrow Account by the applicant at the discretion of the Village Council.
  - 5) No zoning permit or final Village approval or permit shall be granted for an application until all outstanding out-of-pocket costs and expenses incurred by the Village as a specified above have been reimbursed to the Village from the Escrow Account.
  - 6) The Village shall maintain records regarding the Escrow Account in conformance with accepted budgeting and accounting standards, and shall authorize the disbursement of escrow funds in writing.
  - 7) If an applicant objects to the amount of escrow funds it must deposit with the Village or how the escrow funds have been applied, the applicant can appeal the Village's determination regarding these matters to the Village Council in writing at anytime during the process or by written object to the Village office no later than 30 days after the final action on the application has been taken by the Village.
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# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1216 – Condominiums

Adopted August 4, 1998 – Ordinance 1998-01

Last amended July 15, 2008 – Ordinance 2008-02

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Chapter 1216.01	Intent
Chapter 1216.03	Review Requirements
Chapter 1216.05	Zoning Code Standards
Chapter 1216.07	Condominium Design Requirements
Chapter 1216.09	Survey Requirements

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#### **1216.01 INTENT**

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.

#### **1216.03 REVIEW REQUIREMENTS**

In order to ensure compliance with this Chapter, all condominium developments shall go through the site plan review process, including developments consisting solely of single family or duplex residences, that may otherwise not be required to prepare a site plan. In addition to the information required in Chapter 1214, all applicants for condominium site plan review shall submit the following information:

1. A copy of the proposed condominium master deed.
2. A copy of the proposed condominium subdivision plan (this may replace the site plan normally required for site plan review).
3. A copy of the proposed condominium by-laws.

#### **1216.05 ZONING CODE STANDARDS**

1. Lot Size: In conventional condominium development the entire site must meet the minimum lot size requirements for the zoning district the parcel is located in. For site condominiums developments, each condominium unit and it's associated limited common area are considered equivalent to a "lot" and must meet the minimum lot size requirements for the zoning district the parcel is located in.
2. Setbacks: In conventional condominium development the buildings must be setback from the sites boundaries as required in the zoning district the parcel is located in while the setback from other buildings must meet the building setback requirements of the Multiple Family district. For site condominium developments the setbacks shall be from the outer edge of the "lot" consisting of a condominium units and their associated limited common area, and shall be consistent with the setbacks for principal structures in the zoning district in which it is located in.

**1216.07 CONDOMINIUM DESIGN REQUIREMENTS**

Conventional and site condominium developments shall comply with the site plan review design requirements in chapter 1214. In addition, site condominiums shall comply with the design standards contained in the Village of Lake Isabella Subdivision Control Ordinance.

**1216.09 SURVEY REQUIREMENTS**

Conventional condominiums shall comply with the monumenting requirements contained in the Condominium Act, PA 59 of 1978. Site Condominium shall comply with the following requirements:

1. 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.
2. 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.
3. 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 side lines of streets and alleys; and at all angles of an intermediate traverse line.
4. 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.
5. 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.
6. All required monuments shall be placed flush with the ground where practicable.
7. 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 ordinance 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.



## Chapter 1216 - Condominiums

8. 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 deposited and shall pay the surveyor.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1218 – Communication Towers, Antennas, & Windmills

Adopted August 4, 1998 – Ordinance 1998-01

Last amended July 15, 2008 – Ordinance 2008-02

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Chapter 1218.01	Towers & Windmills
Chapter 1218.03	Antennas and Dish Antennas

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#### **1218.01 COMMUNICATION TOWERS & WINDMILLS**

1. Communication Towers, Free Standing Antennas, and Windmills and their attendant facilities shall be permitted in agricultural, open space recreation, and industrial districts provided said use and structure(s) shall be located centrally on a continuous parcel of not less than one times the height of the tower measured from the base of the tower to all points on each property line. Applicants shall demonstrate a justification for the proposed height of the structure(s), and shall be required to submit an evaluation of alternative designs which might result in lower heights prior to approval by the Village of Lake Isabella.
2. Communication Towers, Free Standing Antennas, and Windmills located within the approved Michigan Department of Transportation or Federal Aviation Administration part 77 airport approach plan must meet the height and safety requirements contained within the MDOT and FAA regulations.

#### **1218.03 ANTENNAS, DISH ANTENNAS, CHIMNEYS & VENTS**

1. Antennas and Dish Antennas for personal use may be erected and used in conjunction with an established use in any district.
2. Dish Antennas may not exceed one meter in diameter (39.37”).
3. 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.
4. 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.
5. The number of Antenna or Dish Antenna shall be limited to the least number required to receive service.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1220 – Accessory Structures to Single Family Dwellings

Adopted August 4, 1998 – Ordinance 1998-01

Last amended December 20, 2016 – Ordinance 2016-03

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Chapter 1220.01	Purpose
Chapter 1220.03	General Requirements
Chapter 1220.05	Accessory Structure Placement
Chapter 1220.07	Accessory Structure Setback Requirements
Chapter 1220.09	Accessory Structure Size & Height Regulations
Chapter 1220.11	Proliferation of Accessory Structures
Chapter 1220.13	Design & Fenestration Requirements

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#### **1220.01 PURPOSE**

The purpose of this Chapter is to regulate the development, use, location, height, and appearance of accessory structures in residential zoning districts, and to detached single-family uses in other districts. For the purpose of maintaining property values, ensuring 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.

#### **1220.03 GENERAL REQUIREMENTS**

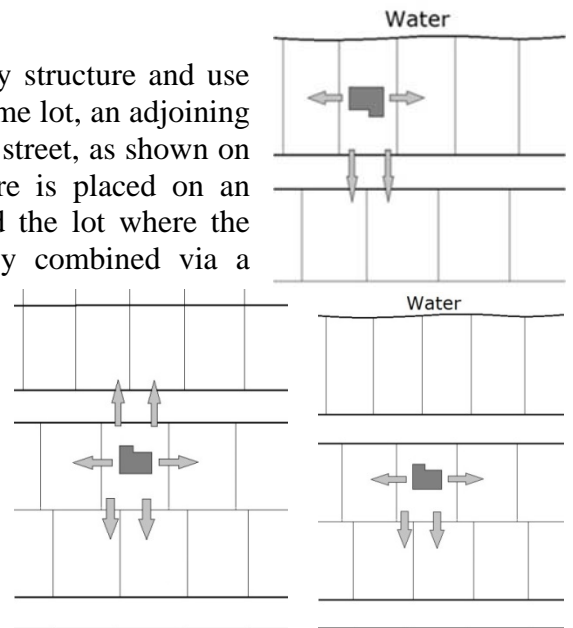
1. All accessory structures shall be erected, placed, or altered only after obtaining a permit from the Zoning Administrator.
2. Accessory structures may only be placed when done so if they are accessory and subordinate to a legally existing primary structure and use.
3. An accessory structure shall not be constructed, altered, continued, maintained or otherwise located on a parcel of property until after the associated primary structure has been completed.
4. An accessory structure shall not remain, and must be removed, if the primary structure is removed, destroyed, or otherwise eliminated to which the accessory structure was subordinate.
5. Accessory structures are to be set apart from the primary structure by at least 10 feet (10'), unless such structure is a shed. Accessory structures larger than two-hundred forty square feet (240 ft<sup>2</sup>) in ground coverage may be either completely detached from the primary structure, or partially attached by an open air breezeway, deck, patio, walkway, sidewalk or other similar non enclosed space. Such type of partial attachment shall not change the status of the building as an accessory structure.
6. If otherwise attached to the primary structure, an accessory structure shall be considered an addition to the primary structure, provided that it is made structurally and integrally a part of the primary structure including sharing an interior wall with means of entry into

habitable space, walls with a watertight connection to a foundation or slab, and a roof (so as to enclose all areas) thereby making it one structure, unless otherwise permitted in this Chapter. Any such addition shall comply in all respects with the requirements applicable to primary structures in the respective zoning district. Decks, patios, walk-ways, breezeways, sidewalks and other similar items shall not be deemed to satisfy the requirements for making it “structurally and integrally” complete.

7. Free standing carports and portable garages shall not be permitted. However, stick-built carports sharing a common wall or roof line, architectural design, color, and exterior materials with, or as part of, a structure may be permitted provided that they are built as to be structurally part of the structure and the following are complied with:
  - A. The area proposed to be used as a carport conforms to the required setbacks, lot coverage, and other applicable zoning regulations; and,
  - B. The carport shall not be used for the outside storage of materials, equipment or goods or the parking and/or storage of inoperable vehicles; and,
  - C. 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,
  - D. The carport shall not be permanently or seasonally enclosed; and,
  - E. The total footprint of the structure, including the carport area conforms to the allowed sizes established in the zoning code.
8. Accessory structures that are primarily used for storage, such as detached garages, which are greater than 240 square feet in ground coverage, are required to have a hard surfaced floor of either concrete, or asphalt.
9. If the accessory structure is a guest house, such shall be at least 400 square feet, be connected to and serviced by a potable water supply and wastewater disposal system connected to and approved by the local Health Department.

**1220.05 ACCESSORY STRUCTURE PLACEMENT**

1. A waterfront parcel with a legally existing primary structure and use may develop an accessory structure 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 and combined as a single parcel for tax purposes.
2. A non-waterfront parcel with a legally existing primary structure and use may develop an accessory structure 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 and combined as a single parcel for tax purposes.

3. 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 frontage with the lot where the Primary Structure is Located.
4. 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 1, 2, 3 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. As part of the review of the Special Land Use application, special attention shall be given to the design requirements of section 1220.13 of the zoning code.

**1220.07 ACCESSORY STRUCTURE SETBACK REQUIREMENTS**

1. Accessory structures shall be setback from property lines, right-of-ways (streets), and bodies of water as shown below:

A. Accessory Structures other than sheds with a footprint of 240 square feet or less.

<b>Parcel Type</b>	<b>Street Yard Setback</b>	<b>Ordinary High Water Mark</b>	<b>Side Yard</b>	<b>Rear Yard</b>
<b>Non-Waterfront</b>	Not Permitted	NA	8'	2'
<b>Waterfront</b>	Not Permitted	35'	8'	8'*
<b>T-Lot</b>	35'	35'	2'	2'*

\* This setback only applies if the yard abutting the water would not normally be considered the rear yard.

B. Accessory Structures, including detached garages, storage buildings, and other structures with a footprint greater than 240 square feet.

<b>Parcel Type</b>	<b>Street Yard Setback</b>	<b>Ordinary High Water Mark</b>	<b>Side Yard</b>	<b>Rear Yard</b>
<b>Non-Waterfront</b>	Not Permitted	NA	8'	35'
<b>Waterfront</b>	35'	35'	8'	35'*
<b>T-Lot</b>	25'	35'	8'	35'*

\* This setback only applies if the yard abutting the water would not normally be considered the rear yard.

\*\* If an accessory structure is placed across the street from a primary structure on an otherwise vacant lot, the setbacks for the accessory structure shall be the same as a primary structure in that zoning district.

C. Sheds.

Parcel Type	Street Yard Setback	Max Distance at Closest Point from Primary Structure in a waterfront yard	Ordinary High Water Mark	Side Yard	Rear Yard
Non-Waterfront	Not Permitted	NA	NA	8'	2'
Waterfront	35'	20'	50'	8'	8'*
T-Lot	35'	20'	35'	2'	2'*

\* This setback only applies if the yard abutting the water would not normally be considered the rear yard.

- a. 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.
  - b. For all sheds placed on waterfront parcels, including T-Lots, the design and landscaping requirements of section 1220.13 shall be required to be met and maintained.
  - c. For non-waterfront parcels that have 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, provided such faces the street frontage where ingress/egress exists for the parcel.
2. Eaves may project no more than 2 feet from the wall of a structure, and must be at least 2 feet from any property line.

**1220.09 ACCESSORY STRUCTURE SIZE & HEIGHT REGULATIONS**

1. No accessory structure with a footprint greater than 240 square feet shall have a ratio of width to length, using the average width of the structure and average length of the structure as measured at the exterior edges of the foundation, which exceeds a ratio of 1: 2.
2. An accessory structure shall either be equal to or less than 240 square feet in size, or be at least 400 square feet.
3. An accessory structure shall not have a footprint larger than the footprint of the primary structure-
4. Accessory structures shall be limited to a single story above the finished grade facing any public right-of-way unless such is approved as a Special Land Use.
5. Detached garages shall be no less than 400 square feet, and may be permitted up to ground coverage of 1,088 square feet by the Zoning Administrator. Detached Garages greater than 1088 square feet may be approved as a Special Land Use. Any Detached Garage equal to or greater than 1,280 square feet may only be located on a parcel of at least 2 acres in size. No detached garage may exceed a square footage of 1,600 square feet.

6. Sheds shall be restricted in terms of size, and dimensions allowed by the chart below:

Length ->	8	10	12	14	16	18	20
Width							
8	64	80	96	112	128		
10	80	100	120	140	160	180	200
12	96	120	144	168	192	216	240
14	112	140	168	196	224		
16	128	160	192	224			
18			180	216			
20			200	240			

7. Guest houses shall be at least 400 square feet, and no larger than the dwelling area footprint of the dwelling it is accessory and subordinate to.
8. All other Accessory Structure such as private greenhouses, workshops, pool houses, playhouses, treehouses, shall be no larger than 240 square feet in ground coverage.

**1220.11 PROLIFERATION OF ACCESSORY STRUCTURES**

1. The proliferation of accessory structures primarily used for storage such as sheds and detached garages shall be regulated as shown on the follow tables:

Key:            H = Home                    AG = Attached Garage  
                   S = Shed                        DG = Detached Garage

**Parcels consisting of 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**

Starting Status	Next Required	Future Options	
Vacant	H + AG*	H + AG + S	
H + AG	NA	H + AG + S	
H + AG + S	NA	None	
H + AG + DG	NA	None	
H + AG + DG + S	NA	None	
H + DG	NA	H + DG + S	
H + DG + DG	NA	None	
H + DG + S	NA	None	
H + S	NA	H + AG + S	H + DG + S
H	NA	H + AG	H + AG + S
		H + DG	H + DG + S
		H + S	

\* Unless otherwise exempted by the zoning code.

**Parcels consisting of at least 2 full platted lots, and all parcels that are equal to or greater than one-half of an acre**

Starting Status	Next Required	Future Options		
Vacant	H + AG*	H + AG + S	H + AG + DG	H + AG + DG + S
H + AG	NA	H + AG + S	H + AG + DG	H + AG + DG + S
H + AG + S	NA	H + AG + DG + S		
H + AG + DG	NA	H + AG + DG + S		
H + AG + DG + S	NA	None		
H + DG	NA	H + DG + S	H + AG** + DG + S	
H + DG + DG	NA	H + AG + DG + DG	H + AG + DG + DG + S	H + DG + DG + S
H + DG + S	NA	H + AG** + DG + S		
H + S	NA	H + AG + S	H + DG + S	H + AG + DG + S
H	NA	H + AG	H + AG + S	H + AG + DG + S
		H + DG	H + DG + S	H + S

\* Unless otherwise exempted by the zoning code.

\*\* For homes built prior to 2008 which are located on a parcel having only a single detached garage of 576 ft<sup>2</sup>, or less, a second detached garage may be built rather than an attached garage, provided that one of the detached garages is semi-connected to the Primary Structure by structural means such as a porch, breezeway, or deck. A hard surfaced patio is not considered means to satisfy this requirement.

- For properties located in the LR-2 Zoning District, a second shed may be substituted for an attached or detached garage.
- The development and number of accessory structures not used for storage such as, but not limited to; guest houses, greenhouses, playhouses, treehouses, gazebos, pool houses, pavilions, pergolas located on a patio, and other similar structures shall be limited to the following (*Fences and swimming pool are not considered an accessory structure for the purpose of the subsection*):

Size of Parcel	Number allowed
Less than ½ Acre	1
0.5 to 1.0 Acre	2
1.01 Acre to 2.0 Acres	3
More than 2.0 Acres	4

- A pergola is not considered an accessory structure if such is placed on deck.

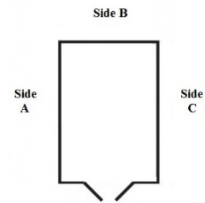


### **1220.13 DESIGN & FENESTRATION REQUIREMENTS**

1. All accessory structures which are greater than 400 square feet in ground coverage and other specific Accessory Structures required by this zoning code to comply with these design requirements shall be constructed so that the appearance of its exterior is uniform and resembles the color and material of the principal structure. As follows:
  - A. Appearance is measured when viewed from adjacent property, or from water bodies, streams, rivers, roads, parks, or other facilities open to the public.
  - B. Identical material is not required, but the following characteristics shall be the same or similar:
    1. A finished design and color scheme that is coordinated and compatible with the color and design of the principal structure. Examples of items which may be considered to determine compatibility are the Orientation of boards, grooves, grains, style of siding, shingles and other exterior characteristics.
    2. Color, style, & material of roofing.
    3. Other than sheds, no accessory structure shall have a roof pitch which is less than 4:12.
  - C. Notwithstanding this Chapter, an accessory structure is not required to match granite, brick, stone, concrete masonry or other similar stone-like material used on the principal structure. However, the material used must resemble the color and material of the principal structure, and should at minimum, match non-stonelike materials of the principal structure.
  - D. Generally, windows will be oriented vertically and utilize distinct frames, materials, or colors for window surrounds.
  - E. Building walls will show no more than three different finish materials, excluding foundations, columns, or cornices.
  - F. Heavier materials such as brick or stone shall be located toward the base of the structure
  - G. Side and rear facades will be of finished quality and of the same color and materials that blend with the front of the building. If a side wall façade faces a street it shall be finished with the same treatments as that as the front of the structure.
  - H. Detached garages that feature a width greater than 30 feet must provide an offset in the façade where the primary vehicle ingress/egress occurs of at least 4 feet.
  - I. A minimum of two (2) different architectural features on the front façade; architectural features may include items such as window treatments, door treatments, louvers, or material/color variations.
  - J. A minimum of one (1) architectural and/or landscape feature must be included along any sidewall for every ten (10) feet and fraction thereof for any sidewall directly adjacent to and visible from a public right-of-way or adjacent residentially zoned property; landscape features shall include medium or upright coniferous and deciduous shrubs or shade, ornamental, or evergreen trees in excess of two (2) feet in height at the time of planting.

2. 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.
3. Sheds are required to have an exterior of wood, resin, or vinyl. Metal roofs are allowed on sheds.
4. Sheds placed on waterfront parcels, including T-Lots, shall be landscaped along any side without a door (unless said side is placed directly abutting to a dwelling or garage) with coniferous or deciduous shrubs or similar plants based on the sum total length of the sides without a door as shown below:

Sides A, B, & C At Least	Sides A, B, & C Not More Than	Total Plants Required
10'	19'	6
20'	29'	8
30'	39'	9
40'	50'	11



# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### **Chapter 1222 – Fences and Walls**

Adopted August 4, 1998 – Ordinance 1998-01

Last on amended April 25, 2017 – Ordinance 2017-01

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Chapter 1222.01	Purpose
Chapter 1222.03	General Regulations
Chapter 1222.05	District Regulations

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#### **1222.01 Purpose**

The purpose of this Chapter is to establish regulations controlling the use and construction of fences, walls, and pet enclosures in a manner which 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 property values.

#### **1222.03 General Regulations**

1. Fences may be placed on the lot line.
2. All fences other than invisible fences and fences erected by the Village of Lake Isabella shall require the issuance of a zoning permit prior to construction.
3. 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. Fences in the streetside yard may be approved as a Special Land Use in the RLM, Ag, and OSR districts.
4. All fences and walls on each property must have reasonably uniform or complementary materials and design.
5. 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

## Chapter 1222 – Fences & Walls

- 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. Such fences may only be approved by the Planning Commission when the Site Plan Application includes a notarized letter of indemnification which 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.
6. Essential retaining walls are permitted in all yards.
  7. Snow fences are permitted in all districts from November 1st through May 1st of the following calendar year.
  8. Fences shall be constructed and maintained in a manner so that the finished side faces adjoining properties.
  9. No fence shall be erected or maintained on a corner lot, or in an adjacent manner to a driveway which would interfere with vehicular or pedestrian traffic. This includes a maximum height of three feet (3'), and 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.
  10. With the exception of Split-Rail Fences, fences shall not be erected on parcels without an established primary structure.
  11. 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.
  12. Pet Enclosures shall be regulated in the following manner:
    - a. Pet Enclosures shall be limited to not more than 300 total square feet on any residential parcel.
    - b. Tarps or other fabric may not be used as screening on the sides of any pet enclosure. Slates or weave may be utilized on not more than two sides of a pet enclosure to provide shade and screening. Prefabricated roofs are also permitted.

Chapter 1222 – Fences & Walls

- c. Pet Enclosures shall be located only in rear or side yard, and shall be at least 10 feet from the property line.
  
- 13. 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.
  
- 14. Cyclone Fences are prohibited in all residential districts.
  
- 15. 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.
  
- 16. Garden Fences and trellises shall not exceed a height of five feet. Garden Fences may feature the use of Hog Wire and/or Deer Fence/Netting for the full height, and Chicken Wire to a height of 24 inches. Garden Fences which feature wood posts may be left up year-round, while Garden Fences which use metal posts must be annually removed by November 1st.

**1222.05 District Regulations**

Districts	Max Height Allowed by Right	Special Land Use Allowed Max Height
LR-1, LR-2	4'*	NA
LR-3, AR, C-1	6'	NA
ECB, WCB	6'	8'
AC	6'	8'
RLM	8'	12'
Ag	8'	12'
OSR	6'	8'

\* Unless otherwise allowed by the zoning code.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1226 – Borrow Pits

Adopted March 14, 2000 – Ordinance 2000-ZA01

Last amended July 15, 2008 – Ordinance 2008-02

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#### Chapter 1226.01      Regulations of Borrow Pits

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#### **1226.01      REGULATIONS OF BORROW PITS**

Borrow Pits as defined shall only be allowed in A-1 and I-1 districts, provided a permit is obtained and the following conditions are met:

1. The permit shall require an application co-signed by the landowner and operator and submitted to the Zoning Official, a fee and Site Plan which requires the following information:
  - A. A clear description of the proposed operation, the duration and the use, and the schedule for reclamation.
  - B. The location of existing buildings, driveways, roads, and uses on the Site and surrounding properties.
  - C. The location and description of the service drives, haul roads, and processing equipment for the operation.
  - D. A plan describing any contemplated future use of the site.
2. No structures shall be erected.
3. No activity shall take place within 100 feet of a property line or 300 feet of a residence or dwelling.
4. Truck operators shall be directed away from residences and dwellings whenever practical.
5. Air pollution in the form of dust and dirt shall be kept a minimum.
6. The operation shall be restricted to the period from sunrise to sunset.
7. Upon reclamation the banks of all excavations shall be sloped to the pit floor at the slope not steeper of 4 feet horizontal to 1 foot vertical.

## Chapter 1226 – Borrow Pits

8. Topsoil of quality equal to that occurring naturally on like soils shall be placed and compacted within the period of the permit to the depth on a minimum of 3 inches when soiled.
9. Vegetation similar to that existing prior to the excavation shall be restored or seeding and planting to USDA Soil Conservation Services standards shall be performed to prevent erosion.
10. All extraction activities must operate under The Soil Erosion and Sedimentation Act and provide proof of the required permit.
11. The Planning Commission may require a performance bond.
12. No proposed Borrow Pit may be permitted within 1,000 feet of an existing Mineral Extraction Industry or Borrow Pit.
13. The permit shall be valid for a period of one year. All activities, including reclamation must be performed within the permitted period. The permit may be extended for up to 6 months for good cause upon written request. Subsequent activity at a reclamation site shall require a Special Land Use Permit from the Planning Commission.
14. A copy of the permit must be conspicuously posted on the site of activity.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1230 – Non-Conforming Lots, Uses, and Structures

Adopted August 4, 1998 – Ordinance 1998-01

Last amended July 15, 2008 – Ordinance 2008-02

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Chapter 1230.01	Non-Conforming Uses
Chapter 1230.03	Change of Non-Conforming Use
Chapter 1230.05	Discontinuance
Chapter 1230.07	Expansion of Non-Conforming Uses
Chapter 1230.09	Non-Conforming Structures and Uses
Chapter 1230.11	Buildings and Uses Under Construction
Chapter 1230.13	Restoration and Repair
Chapter 1230.15	District Boundary Changes
Chapter 1230.17	Plans Already Filed
Chapter 1230.19	Non-Conforming Lots
Chapter 1230.21	Non-Conforming Examples

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#### **1230.01 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.

#### **1230.03 CHANGE OF NON-CONFORMING USE**

A nonconforming use may be changed to another nonconforming use by authorization of the zoning board of appeals if such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. Whenever a nonconforming use is changed to a more restricted or conforming use, such use shall not thereafter revert to the prior non-conforming use.

#### **1230.05 DISCONTINUANCE**

If a non-conforming use is discontinued or abandoned for a period of six months, it may not thereafter be continued. A non-conforming use, if changed to a use permitted in the district in which it is located, shall not be resumed or changed back to a non-conforming use of any nature.

#### **1230.07 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



## Chapter 1230 – Non-Conforming Lots, Uses, and Structures

having multiple structures shall not be expanded by construction of an additional structure.

### **1230.09 NON-CONFORMING STRUCTURES**

1. 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.
2. 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.

### **1230.11 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. Such structure may be used for the use specified in the zoning and building permit notwithstanding the fact that such use or the structure itself does not comply with the chapter as adopted or amended. 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 term. The Zoning Board of Appeals shall determine which buildings and structures are in the process of completion according to the procedures specified in Chapter 1302.

### **1230.13 RESTORATION AND REPAIR**

1. Only repairs and maintenance work required to keep a non-conforming structure in sound condition may be made.
2. 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 determination. Persons aggrieved by the determination of estimated replacement cost by the building inspector may appeal such determination to the zoning board of appeals.
3. No non-conforming structure or use shall be rebuilt or reconstructed and resumed if the cost thereof exceeds the formula established in Chapter 1230.13(2), except single-family dwellings may be re-established as a non-conforming use in a conforming primary structure, unless the zoning board of appeals has made the following determinations:

## Chapter 1230 – Non-Conforming Lots, Uses, and Structures

- A. The circumstances are such that the lot previously occupied by such non-conforming use cannot then be advantageously used for a use permitted in the district in which it is situated, and all repairs shall be commenced within one year from the time of the casualty.
- B. Reconstruction of the structure or use and its resumption will not adversely affect adjacent properties or the Village of Lake Isabella for reasons of health, safety or general welfare.

### **1230.15 DISTRICT BOUNDARY CHANGES**

When district boundaries shall hereinafter be changed, any nonconforming use may be still continued but subject to all other provisions of this chapter. The provisions of this article shall also apply to buildings and land or uses which hereafter become nonconforming due to any reclassification of districts under this chapter and any change in the regulations of this chapter.

### **1230.17 PLANS ALREADY FILED**

In any case where plans and specifications for a building or structure have been filed, which would conform with the zoning regulations effective at the date of such filing but not with the regulations of this chapter, such work may precede provided construction is commenced within 60 days after the issuance of such permit and diligently pursued to completion.

### **1230.19 NON-CONFORMING LOTS**

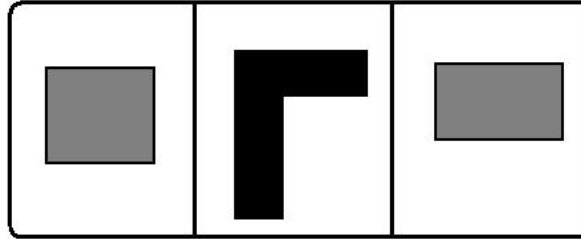
Any existing lot of record nonconforming due to its size or width may be built upon provided all structures comply with the minimum setback requirements of the district in which it is located. Where two or more contiguous non-conforming lots were under common ownership as of the effective date of this chapter, such lots shall be considered as a single lot and no portion of the said combined lot shall be used, sold or divided in a manner that diminishes compliance with lot width, lot area or setback requirements established by this chapter.

*Chapter 1230 continued on the next page...*

**1230.21 NON-CONFORMING EXAMPLES**

USE: Commercial use in a Residential district, Industrial use in a Residential district.

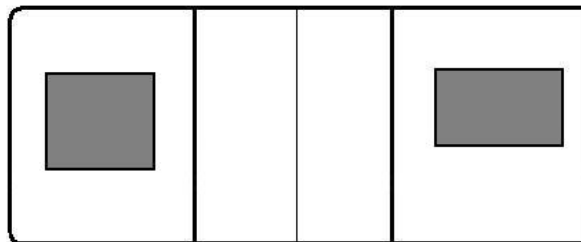
**Non-Conforming Use**



Industrial Use

PARCEL: Does not meet size requirements such as width or depth, does not have access to a street.

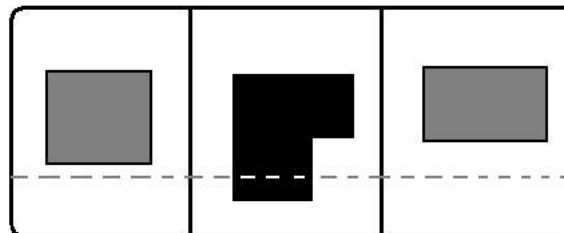
**Non-Conforming Parcel**



Parcels not meeting minimum width requirement

STRUCTURE: Not within setback requirements, exceeds allowed height, does not have the required habitable floor space for the zoning district.

**Non-Conforming Structure**



Structure located within required setback

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1232 – Districts

Adopted August 4, 1998 – Ordinance 1998-01

Last amended August 16, 2016 – Ordinance 2016-07

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Chapter 1232.01	Euclidian Districts
Chapter 1232.03	Scope of Regulations
Chapter 1232.05	Provision for Official Zoning Map
Chapter 1232.07	Authority of Official Zoning Map
Chapter 1232.09	Interpretation of Boundaries
Chapter 1232.11	Replacement of Official Zoning Map or Code
Chapter 1232.13	Hybrid Form Based Districts
Chapter 1232.15	Overlay Districts
Chapter 1232.17	Euclidean District Parcel Requirements

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#### **1232.01 EUCLIDIAN DISTRICTS**

To carry out the purpose of this Chapter, Article and Code of Ordinances, the Village of Lake Isabella is hereby divided into the following districts:

"A-1"	General Agricultural District
"LR-1"	Lake Residential District 1
"LR 2"	Lake Residential District 2
"LR 3"	Lake Residential District 3
"AR"	Airport Residential District
"C-1"	General Commercial District
"AC-1"	Airport Commercial District
"RLM"	Research & Light Manufacturing
"OSR"	Open Space Recreational

#### **1232.03 SCOPE OF REGULATIONS**

Except as herein provided, no structure shall be erected or altered nor shall any building or premises be used for any purpose other than is permitted in the district in which such building or premises is located.

#### **1232.05 PROVISION OF OFFICIAL ZONING MAP**

For the purpose of the Codified Ordinances of the Village of Lake Isabella, the zoning districts as provided herein are bound and defined as shown on maps entitled "Official Zoning Maps of the Village of Lake Isabella" The official zoning maps, with all explanatory matter thereon, is hereby made a part of this code. The official zoning maps shall be identified by the signatures of the Village President, Clerk and the chairman of the Planning Commission.

**1232.07 AUTHORITY OF OFFICIAL ZONING MAP**

Regardless of the existence of purported copies of the official zoning maps which may from time to time be made or published, the official zoning maps, which shall be located in the office of the Planning Commission and open to public inspection, shall be the source of final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the county.

**1232.09 INTERPRETATION AND BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official zoning map, the following rules shall apply:

1. Where boundaries indicated as approximately following streets or highways, the center line 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 there from as indicated by given distance or scaled dimension.

**1232.11 REPLACEMENT OF OFFICIAL ZONING MAP OR CODE**

In the event that the official zoning copy of the zoning code or map becomes damaged, destroyed, lost or difficult to read because of the nature of the changes made thereto, the Village Council may, by ordinance, adopt a new copy of the official zoning code or zoning map, which will supersede the prior copy. The new official copy may correct drafting or other errors or omissions to the zoning map and punctuation, spelling or numbering corrections, but no such changes shall have the effect of amending the zoning ordinance or the prior zoning map. A record of all changes made as a result of this council action shall be retained, along with the original official map or ordinance unless they were lost or destroyed.

**1232.13 HYBRID FORM BASED DISTRICTS**

In order to promote development that preserves and protects the public's general health and well-being, and also preserve the value of developed parcels in the Village of Lake Isabella, form based regulations may be provided for in substitution, or in collaboration with Euclidian style regulations for districts defined by this zoning code. These districts include:

- |       |                         |
|-------|-------------------------|
| “WCB” | West Coldwater Business |
| “ECB” | East Coldwater Business |

**1232.15 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. Where a property is located within an overlay district, it is subject to the provisions of both the primary zoning district and the overlay district. Where the provisions are in conflict, the overlay district governs. Overlay districts established in the Village of Lake Isabella include the follow:

“WS” Waterfront-Shoreland

**1232.17 EUCLIDIAN DISTRICT PARCEL REGULATIONS**

<b>Zoning District</b>	<b>Min. Parcel Area (sq. ft.)</b>	<b>Min. Parcel Width (1)</b>	<b>Min. Street/Front Yard</b>	<b>Min. Total Side Yard</b>	<b>Min. Least One Side Yard</b>	<b>Min. Rear Yard</b>	<b>Max. Height</b>	<b>Max. Parcel Coverage</b>
(A-1) General Agriculture	43,560	150'	50'	40'	20'	35'	35' (2)	10%
(LR-1) Lake Residential 1	20,000	100'	35'	20'	8'	35'	35'	50%
(LR-2) Lake Residential 2	20,000	100'	35'	20'	8'	35'	35'	50%
(LR-3) Lake Residential 3	24,000	130'	35'	20'	10'	20'	35'	35%
(A-R) Airport Residential	20,000	100'	35'	20'	8'	35'	35'	50%
(WCB) West Coldwater Business	21,780	100'	15'	10'	5'	15'	30' <sup>(5)</sup> 36'	NA
(ECB) East Coldwater Business	43,560	150'	15'	10'	5'	15'	30' <sup>(5)</sup> 36'	NA
(C-1) General Commercial	43,560	100'	30'	10' (3)	(3)	25' (3)	35' (4)	NA
(AC-1) Airport Commercial	43,560	330'	50'	40'	20'	40'	35'	NA
(RLM) Research & Light Manufacturing	217,800	330'	50'	40' (3)	20' (4)	40' (3)	60'	NA
(OSR) Open Space Recreational	NA	NA	35'	20'	8'	35'	NA	10%

\* Footnotes are an integral component of this section and should be read in conjunction with the above table. Other regulations in the Zoning Ordinance (1998-01 as amended) may require larger lot sizes and setback requirements and these other provisions shall prevail.

**FOOTNOTES TO SCHEDULE OF DISTRICT REGULATIONS**

- (1) Parcel width shall be measured at the required front setback line. For parcels with irregular shapes, the width shall be determined as the average of the total of the front and rear property lines.
- (2) Farm building or structures may not exceed a height of 100 feet in the A-1 district, provided they are set back from the parcel property line a distance equal to the height of the building or structure.
- (3) No principal or accessory building in the C-1 and I-1 Districts shall be closer than sixty (60) feet to the property line of any residential use or district.
- (4) The height limitation in the C-1 district may be specifically waived by the Planning Commission, provided that the Planning Commission establishes alternate reasonable height standards.
- (5) The height of structures in the Coldwater Business Districts is tied to whether there is a residential use to the structure. §1246.01(4-B)

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### **Chapter 1234 – Lake Residential 1 (LR-1)**

Adopted August 4, 1998 – Ordinance 1998-01

Last amended August 16, 2016 – Ordinance 2016-07

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Chapter 1234.01      Purpose

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#### **1234.01      PURPOSE**

The Lake Residential 1 district is intended primarily for single-family residential development. The purpose of this District is to provide for a stable and sound residential environment on lots of sufficient size to accommodate the safe and healthful use of on-site water and waste disposal systems. The intent of this district is to encourage the proper use of lands adjacent to the lakes and other water bodies of Isabella County so as to avoid pollution of these water bodies and ensure the natural resources of the county are protected. 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 manner to create the greatest distance possible from structures to the center-line of the runway.



# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### **Chapter 1236 – Lake Residential 2 (LR-2)**

Adopted August 4, 1998 – Ordinance 1998-01

Last amended August 16, 2016 – Ordinance 2016-07

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Chapter 1236.01      Purpose

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#### **1236.01      PURPOSE**

The Lake Residential District 2 is intended primarily for single-family residential development, including mobile home development. The purpose of this District is to provide for a stable and sound residential environment on lots of sufficient size to accommodate the safe and healthful use of on-site water and waste disposal systems. The intent of this district is to encourage the proper use of lands adjacent to the lakes and other water bodies of Isabella County so as to avoid pollution of these water bodies and ensure the natural resources of the county are protected. 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 manner to create the greatest distance possible from structures to the center-line of the runway.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1238 – Lake Residential 3

Adopted August 17, 1999 – Ordinance 1999-ZA05

Last amended on August 16, 2016 by Ordinance 2016-07

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Chapter 1238.01	Purpose
Chapter 1238.03	Conditional Accessory Structures
Chapter 1238.05	Site Development Standards

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#### 1238.01 PURPOSE

The Lake Residential 3 (LR-3) district is intended to allow detached single-family dwellings, attached single-family dwellings, and limited commercial/business uses. The LR-3 district provides for a mixture of single-family housing options while guiding the development of attached single-family dwelling units in the Village of Lake Isabella. By creating and enforcing design standards and site requirements for the character, nature, placement and proliferation of attached single-family housing, the Village of Lake Isabella desires to promote socio-economic diversity by expanding the options of housing that can be found in the community.

It is further the intent of this chapter to ensure that development of attached single-family housing enhances the neighborhood that such development occurs in. Such neighborhood enhancement includes, but is not limited to, increasing the overall property values while not placing an unsustainable demand on public services to surrounding properties.

#### 1238.03 CONDITIONAL ACCESSORY STRUCTURES

The following accessory structures may be conditionally permitted when constructed and used in an accessory and subordinate relationship to a legally existing primary structure(s) and primary use with multiple single-family residential units (*Note this section does not apply to parcels with a primary use of a detached single-family dwelling*):

Allowed with Administrative Review	Allowed with Site Plan Review
Playground Equipment	Assembly Halls
Pavilions & Gazebos	Office & Administrative Buildings
Swimming Pools	Storage Units
Sheds with a footprint of 400' or less	Detached Garages

#### 1238.05 SITE DEVELOPMENT STANDARDS

1. The table below details parcel requirements in the LR-3 district for various uses and structures:

Type of Structure/Use	Minimum Parcel Size	Minimum Parcel Width
Detached Dwelling	20,000 square feet	100'

Chapter 1238 – Lake Residential 3 (LR3)

Duplex	22,500 square feet	150'
Triplex	35,000 square feet	225'
Townhouse	43,560 square feet	300'
Non-Residential Special Land Use	43,560 square feet	300'
<p>For developments that feature multiple attached single-family dwelling structures, the minimum parcel size shall be multiplied by the number of structures as detailed by the formula below:</p> <p>Proposed development of 2 duplexes: Minimum Parcel Size 45,000 square feet</p> <p>Proposed development of 3 triplexes: Minimum Parcel Size 105,000 square feet</p>		

2. All driveways, sidewalks, roads, access easements, parking areas, and similar areas for pedestrians or vehicles shall be paved within 1 year of the date of approval unless otherwise delayed or waived by the Planning Commission.
3. In all new structures housing multiple attached single-family dwelling units, the following standards of visitability and universal design shall be incorporated:
  - (1) **Accessible Building Entrances**: An attached single family dwelling must provide at least one building entrance that complies with the State of Michigan Residential Building Code standard for an accessible entrance on an accessible route served by a ramp or no-step entrance. A building entrance door must have a minimum net clear opening of 36 inches.
  - (2) **Building Entrance Location**: The accessible entrance may be at the front, side, or back of a dwelling as long as it is served by an accessible route such as a garage or sidewalk.
  - (3) **Visitable Route**: The required no step entrance shall be accessed via a visitable route that meets the requirements of this ordinance.
  - (4) **Grade**: Sidewalks and ramps that are part of the visitable route shall have a maximum slope and length as follows:
    - Sidewalks.** 1/20 N/L
    - Type 1 Ramp.** 1/8 5' (Max 7.5" rise)
    - Type 2 Ramp.** 1/10 12' (Max 14.5" rise)
    - Type 3 Ramp.** 1/12 30' (Between Landings)
    - Width.** The route shall have a minimum clear width of 36 inches.
    - Landings.** Landings in a visitable route shall be not less than 36" by 36" clear or shall meet the Michigan Accessibility Code whichever is greater.
    - Surfaces.** Surfaces shall be non-slip.
    - Drainage.** Cross slope shall be no greater than 1/50.
  - (5) **Doors/Openings**: Except for a door that provides access to a closet of fewer than 15

Chapter 1238 – Lake Residential 3 (LR3)

square feet in area, doors located on the first floor of a dwelling unit must have a minimum clear opening of at least 32 inches. Lever door handle hardware is required on the affected doors.

- (6) **Accessible Routes Within the Dwelling Unit:** 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.
  - (7) **Wall reinforcement:** First floor bathroom walls of the dwelling unit must be designed and constructed with reinforcements using wood blocking, spacing and grabbars.
  - (8) **Grabbars:** Grabbars must be provided which complies with the State of Michigan Residential Building standard for accessibility.
  - (9) **Light Switches:** The first floor bathroom must have a light switch no higher than 42 inches above the floor which is adjacent to an accessible route.
  - (10) **GFCI Duplex Receptacle:** The bathroom must have at least one duplex receptacle which is at least 18 inches above the ground, and adjacent to an accessible route.
  - (11) **Floor Plan:** All units shall incorporate a full bathroom, kitchen, living space, and at least one bedroom on the floor serviced by the accessible entrance and route.
4. All structures housing multiple single-family dwelling units shall have attached garages with a minimum depth from the vehicle entry door of 24' as required below, unless otherwise waived by the Planning Commission under section 5 below:

Type of Structure/Use	Minimum Attached Garage Size	Maximum Attached Garage Size
Duplex	576'	80% of habitable floor space of the unit the garage is attached to
Triplex	432'	60% of habitable floor space of the unit the garage is attached to
Townhouse	288'	50% of habitable floor space of the unit the garage is attached to

- 5. The requirement for attached garages may be waived by the Planning Commission for Triplexes and Townhouses where assisted-living or direct-care services are provided to long-term residents.
- 6. For structures that house three or more residential units, the maximum linear length of an uninterrupted front and rear structure façade shall be thirty feet (30'). For structures with a length of more than thirty feet (30'), the minimum offset from segment to segment shall be no less than six feet (6'). Minor departures from this requirement may be approved during the approval process provided that the resulting development complies with at least 80% of each of the required offsets.

## Chapter 1238 – Lake Residential 3 (LR3)

7. Façades on all multi-unit single-family structures shall have transparent, clear, or lightly tinted windows. Front and rear façades shall have no less than 20% of the total surface area utilized by transparent, clear, or lightly tinted windows. Reflective or darkly tinted windows, glass block windows, and similar products shall not be deemed to satisfy this requirement. Existing and permitted multi-family dwellings at the date of adoption of this zoning code may be expanded without meeting this requirement on any façade that is not altered.
8. Entries for all multi-unit residential structures shall be clearly defined by at least two of the following:
  - a. Projected or recessed entry.
  - b. Stoop or enclosed or covered porch, provided that any covered porch shall comply with the setback requirements.
  - c. Transom and/or side light window panels framing the opening of the door.
  - d. Other methods, such as unique color treatments or other similar means may be approved as an Administrative Departure, provided that the same effect is achieved and approved by the Planning Commission during Site Plan review.
9. 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.
10. 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. As a minimum, the following standards shall be applicable to new developments:
  1. General Landscaping Standards
    - A. All areas not covered by structures, parking areas, drives, sidewalks, plazas, decks, or other impervious surfaces shall be planted with living vegetation.
    - B. All landscape planting areas shall be stabilized and maintained with seed, sod, mulches, or other approved materials to prevent soil erosion.
    - C. All required planting is to occur within 9 months of the date of development approval. In the event that the project is completed during a time of year when planting is impractical, a performance bond or surety shall be provided to the Village.
    - D. Tree wraps, wires, and stakes shall be removed after the first growing season. Nothing contained herein shall prevent the seasonal wrapping of trees and shrubs after the first growing season.
  2. Maintenance
    - A. The property owner shall be responsible for the maintenance of all landscaped areas, including those within the public right-of-way.

Chapter 1238 – Lake Residential 3 (LR3)

- B. Lawns and landscaped areas shall be maintained in a substantially weed free manner.
- C. 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.

3. Plant Requirements

- A. All plant material shall be hardy to the Lake Isabella area.
- B. All plant material shall be free from disease and insects.
- C. Landscaping shall not include more than 33% of any single plant species. At least 75% of new plantings shall be native to Michigan.
- D. 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 towards the landscaping requirements of this chapter. Ash

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

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

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

- F. Plant size requirements

- 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
- Ornamental trees shall have a trunk caliper of at least 2 inches at 48 inches above finished grade at the time of planting.
- Evergreen trees shall be at least 60 inches in height above finish grade at the time of planting.

Chapter 1238 – Lake Residential 3 (LR3)

- Shrubs shall be at least 30 inches in height above finished grade at the time of planting

4. Required Plantings

<b>Street Trees</b>	1 Canopy/Shade trees shall be planted for every 40' of frontage and fraction thereof.
<b>Site Development</b>	For every bedroom developed the following number of trees shall be required to be planted on-site in addition to those used for street trees: <ul style="list-style-type: none"> <li>• 2 Canopy/Shade trees; or,</li> <li>• 1 Canopy/Shade tree and 2 Ornament trees; or,</li> <li>• 1 Canopy/Shade tree and 4 shrubs; or,</li> <li>• 3 Evergreen trees</li> </ul>
<b>Existing Vegetation</b>	Existing healthy, well-formed trees and shrubs 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.

11. Required Dwelling & Floor Area Sizes:

- A. Each individual unit in an attached single-family dwelling structure ~~a multi-family~~ residential structure shall contain a minimum of nine hundred square feet (900<sup>2'</sup>). In addition to the minimum square footage requirement, for each additional bedroom in excess of the first bedroom included on the floor plan of the unit, an additional one hundred fifty square feet (150<sup>2'</sup>) of total dwelling space is required.
- B. Each individual unit in a multi-family or apartment structure shall comply with the minimum standards.

Minimum Total Floor Area:

One bedroom unit	600 square feet
Two bedroom unit	800 square feet
Three bedroom unit	1,000 square feet

Minimum Floor Area Width and Size for Living Spaces (Living/Dining/Kitchen):

Unit Size	Minimum Width	Minimum Floor Area
One bedroom unit	10 feet	250 square feet
Two bedroom unit	12 feet	325 square feet
Three bedroom unit	13 feet	375 square feet

Minimum Floor Area Width and Size for Bedrooms:

Unit Size	Minimum Width	Minimum Floor Area Per Bedroom
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Chapter 1238 – Lake Residential 3 (LR3)

Single bedroom	12 feet	150 square feet
Double bedroom	18 feet	225 square feet

Minimum Storage Space Requirements:

One bedroom unit	60 square feet
Two bedroom unit	90 square feet
Three bedroom unit	120 square feet

Minimum Open Space Requirements:

Unit Size	Minimum Open Space Required per Bedroom
Single Bedroom	70 square feet
Double Bedroom	100 square feet

12. For developments that have multiple buildings, each building shall be separated by at least twenty feet (20’).
13. 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. All lands within this district which are also within the Waterfront–Shoreland District as defined in Chapter 1252 must meet the site development standards and other provisions outlined in Chapter 1252.
15. The use of land and structures within the Lake Residential 3 District shall meet the dimensional requirements in Chapter 1232.13 and all other applicable regulations of the codified ordinances of the Village of Lake Isabella.



# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### **Chapter 1240 – Airport Residential (AR)**

Adopted August 4, 1998 – Ordinance 1998-01

Last amended August 16, 2016 – Ordinance 2016-07

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Chapter 1240.01      Purpose

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#### **1240.01      PURPOSE**

The Airport Residential District is intended primarily for single-family residential development with allowed uses that stimulate the use and attractiveness of the Lake Isabella Municipal Airport. The purpose of this District is to provide for a stable and sound residential environment on lots of sufficient size to accommodate the safe and healthful use of on-site water and waste disposal systems. The intent of this district is to encourage the proper use of lands adjacent to the lakes and other water bodies of Isabella County so as to avoid pollution of these water bodies and ensure the natural resources of the county are protected. 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 manner to create the greatest distance possible from structures to the center-line of the runway.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1242 – Commercial 1 (C-1)

Adopted August 4, 1998 – Ordinance 1998-01

Last amended August 16, 2016 – Ordinance 2016-07

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Chapter 1242.01	Purpose
Chapter 1242.03	Site Development Standards
Chapter 1242.05	Additional Requirements

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#### **1242.01 PURPOSE**

Description and Purpose: The General Commercial District is designed to meet the diversified and day-to-day shopping and service needs of persons residing in the village as well as the needs of automobile highway traffic along the major transportation routes in the village. These districts may be characterized by an integrated or planned cluster of establishments served by a common parking area and generating somewhat large volumes of vehicular and pedestrian traffic.

#### **1242.03 SITE DEVELOPMENT STANDARDS**

1. All lands within this district which are also within the Waterfront–Shoreland District as defined in Chapter 1252 must meet the site development standards and other provisions outlined in Chapter 1252.
2. The use of land and structures within the Commercial 1 District shall meet the dimensional requirements and other requirements of the zoning code.

#### **1242.05 ADDITIONAL REQUIREMENTS**

1. All outdoor storage shall be restricted to yard that are non-adjacent to a public right-of-way, and shall be completely screened from any abutting residentially zoned or used property.
2. All development shall be physically separated from the local road by a curb and 10 foot landscaped area or other suitable barrier. Such barrier shall effectively eliminate un-channeled vehicle ingress or egress, except for authorized access ways.
3. Unless otherwise specified in Chapter 1262, no principal or accessory building shall be closer than 60 feet to the property line of any residential use or district.
4. All lands within this district which are also within the Waterfront–Shoreland District as defined in Chapter 1252 must meet the site development standards and other provisions outlined in Chapter 1252.
5. The use of land and structures within the Commercial District shall meet the dimensional requirements and other requirements of the codified ordinances of the Village of Lake Isabella.

Chapter 1242 – Commercial 1 District (C-1)

6. 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 manner to create the greatest distance possible from structures to the center-line of the runway.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### **Chapter 1244 – Airport Commercial 1 (AC-1)**

Adopted January 17, 2006 – Ordinance 2006-01

Last amended August 16, 2016 – Ordinance 2016-07

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Chapter 1244.01      Purpose

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#### **1244.01    PURPOSE**

The Airport Commercial Zoning District is designed to accommodate uses that are non-residential in nature in conjunction with services normally 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 manner to create the greatest distance possible from structures to the center-line of the runway.

## Article XII – Planning & Zoning

### Chapter 1246 – Coldwater Business Districts

Originally Adopted July 15, 2008 – Ordinance 2008-02  
Last Amended on August 16, 2016 by Ordinance 2016-07

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Chapter 1246.01	General Regulations
Chapter 1246.03	West Coldwater Business District (WCBD)
Chapter 1246.05	East Coldwater Business District (ECBD)

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#### **1246.01 GENERAL REGULATIONS**

##### **1. COLDWATER ROAD ACCESS MANAGEMENT**

- A. 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 as to minimize ingress/egress left turns. If possible, parcels should share driveways in order to minimize the number of access points on Coldwater Road.
- B. 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 unless approved by the Planning Commission. No parcel shall have more than 2 driveways unless approved by the Planning Commission and has more than 400 feet of street frontage.
- C. Paved Access: The Village shall only approve development plans which incorporate ingress/egress access from a paved public street, or paved private drive.

##### **2. ON-SITE PARKING REQUIREMENTS**

- A. A minimum of 6 impervious hard-surfaced parking spaces per non-residential use are required, and one additional impervious hard-surfaced space for every 300 square feet of non-residential use, unless otherwise approved by the Planning Commission.
- B. For all residential uses, a minimum of at least 2 impervious hard-surfaced parking spaces per dwelling unit are required.
- C. With the exception of a detached single-family dwelling, parking areas shall not be located between the front of the structure and any street.

##### **3. SITE DEVELOPMENT STANDARDS**

- A. All on-site utility and communication lines, and any new off-site utility or communication lines servicing new development, shall be located below ground at depths approved by the Michigan Public Service Commission.

- B. 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. 80% of the façade facing the right-of-way (other than the area required for transparent windows and doors) shall be constructed and finished of any of the following materials and combinations thereof:
1. Brick
  2. Stone
  3. Wood lap siding
  4. Vinyl
  5. Gypsum reinforced fiber concrete (for trim and cornice elements only)
  6. Metal (beams, lintels, trim elements, and ornamentation only)
  7. Split faced block (piers, foundations, and chimneys only)
- C. All heating, ventilation, cooling, refrigeration, and mechanical devices shall be fully screened.
- D. 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 manner to create the greatest distance possible from structures to the center-line of the runway.
- E. 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 to assist with vehicular and pedestrian flow.
  3. At least one canopy tree with a trunk diameter of at least 3 inches at 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.
- F. Any required landscaping, including landscaping done in conjunction with ground signs, shall be properly maintained and seasonably weeded.
- G. New developments shall have the following required plantings:
1. For every 500 of 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
2. Existing healthy, well-formed trees and shrubs which are 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.

H. Plant requirements:

1. Canopy/Shade trees shall have a trunk caliper of at least 3 inches at 36 inches above finished grade at the time of planting.
  2. Ornamental trees shall have a trunk caliper of at least 2 inches at 48 inches above finished grade at the time of planting.
  3. Evergreen trees shall be at least 60 inches in height above finish grade at the time of planting.
  4. Shrubs shall be at least 30 inches in height above finished grade at the time of planting.
  5. Required landscaping shall not include more than 33% of any single plant species.
- I. Only plants native to Michigan shall be used as credit to meeting the minimum landscaping requirements of the district.
- J. 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 towards the landscaping requirements of this chapter. These species may be used at the pleasure of the property owner, but simply do not count towards satisfying the landscaping requirements of this chapter.
- Cottonwood
  - English Elm
  - American Elm
  - Cedar Elm
  - Siberian Elm
  - Norway Maple
  - Lombardy Poplar
  - Female Gingko

- Russian Olive
- Apple
- Ash
- Cherry
- Peach
- Box Elder
- American Beech
- Red Cedar
- Black Walnut

4. MINIMUM STRUCTURE REQUIREMENTS

New primary structures developed after the date of adoption of this ordinance in the West Coldwater Business District shall conform to the following development requirements:

- A. A minimum height of 14 feet above grade shall be maintained across 75% of any wall facing a street.
- B. A maximum height of 30 is permitted, except a structure with a residential use on the second floor or above is allowed to have a height of 36 feet.
- C. Exterior walls facing a street shall have at least 20% of window or door space.
- D. Transparent windows are required on all sides of each floor of the structure.
- E. Pitched roofs shall have a slope of no less than 12:4.
- F. Pitched roofs shall be of any the following designs:
  - 1. Hipped Roof
  - 2. Mansard Roof
  - 3. Flat Roof, flat roofs shall not be visible from right-of-way adjacent to the parcel and shall be enclosed by parapets of at least 42 inches in height, or higher if required by the Planning Commission to conceal mechanical equipment.
- G. The following roof types shall be permitted when accompanied by the construction of a parapet along the façade facing the right-of-way so as to create a false front concealing the peaks and valleys of the pitched roof:
  - 1. Gable Roof
  - 2. Gambrel Roof
  - 3. Shed Roof
- H. For all new structures, any façade facing a street which exceeds 40 linear feet



shall be staggered into multiple bays or shall create the impression of multiple bays which are offset by at least 6 linear feet.

- I. The minimum average structure width shall be 24 feet.

### **1246.03 WEST COLDWATER BUSINESS DISTRICT REGULATIONS**

#### **1. PURPOSE**

The purpose and intent of the West Coldwater Business District is to provide economic opportunities for uses consistent with professional services and allow for a mix of commercial and residential uses which act as a transitional district to the residential neighborhoods west of Coldwater Road. Due to the generally limited size of the parcels and present limited availability of well and septic permits in this District as they were originally platted, non-residential uses which rely on a low vehicular traffic volume are the most appropriate land use to permit on individual lots as originally platted. More intensive and traffic dependent uses are appropriate on parcels comprised of multiple lots or the unplatted parcels in the district.

### **1246.05 EAST COLDWATER BUSINESS DISTRICT REGULATIONS**

#### **1. PURPOSE**

The purpose and intent of the East Coldwater Business District is to provide economic opportunities for uses consistent with general commercial and professional uses.

## Article XII – Planning & Zoning

### Chapter 1248 – Research & Light Manufacturing

Adopted August 4, 1998 – Ordinance 1998-01

Last amended August 16, 2016 – Ordinance 2016-07

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Chapter 1248.01	Purpose
Chapter 1248.03	Site Development Standards

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#### **1248.01 PURPOSE**

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.

#### **1248.03 SITE DEVELOPMENT STANDARDS**

1. All lands within this district which are also within the Waterfront–Shoreland District as defined in Chapter 1252 must meet the site development standards and other provisions outlined in Chapter 1252, as well as other applicable areas of the zoning code.
2. The use of land and structures within the Research & Light Industrial (RLI) District shall meet the dimensional requirements and other requirements of the codified ordinances of the Village of Lake Isabella.
3. All new structures with total floor space equal to, or greater than, 5,000 square feet must achieve a Leadership in Energy & Environmental Design (LEED) Certified rating. All existing structures with total floor space equal to, or greater than, 5,000 square feet must achieve a Leadership in Energy & Environmental Design (LEED) Certified rating if such structure is intended to be expanded to a total square footage of 150%, or greater, of the existing square footage.
4. Light industrial operations involving the manufacturing, processing, assembling, or packaging of finished or semi-finished products are required to be fully enclosed in a structure.
5. The Planning Commission may require that all raw materials and finished products be kept inside a fully enclosed structure.
6. 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.
7. On-site accessory sales shall be regulated by the Planning Commission.

Chapter 1248 – Research & Light Industrial (RLI)

8. Accessory structures and uses to primary uses and structures allowed by this Chapter are permitted as regulated in the zoning code.
9. 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 manner to create the greatest distance possible from structures to the center-line of the runway.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1250 – Agricultural (A-1)

Adopted August 4, 1998 – Ordinance 1998-01

Last amended August 16, 2016 – Ordinance 2016-07

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Chapter 1250.01	Purpose
Chapter 1250.07	Site Development Standards
Chapter 1250.09	Additional Requirements

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#### **1250.01 PURPOSE**

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 which are suited for production of food and fiber are retained for such production, whenever possible, and;

1. The A-1 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).
2. Other specific purposes, in addition to family farm residences, for which this district is established include:
  - A. 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.
  - B. 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.

#### **1250.03 SITE DEVELOPMENT STANDARDS**

1. All lands within this district which are also within the Waterfront–Shoreland District as defined in Chapter 1252 must meet the site development standards and other provisions outlined in Chapter 1252.

## Chapter 1250 – Agricultural (A-1)

2. The use of land and structures within the Agricultural (A-1) District shall meet the dimensional requirements and other requirements of the codified ordinances of the Village of Lake Isabella.
3. 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 manner to create the greatest distance possible from structures to the center-line of the runway.

### **1250.05        ADDITIONAL REQUIREMENTS**

1. 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.
2. Roadside stands may be allowed. Such activity must provide access to an off-street parking area on the property. Parking requirements do not need to conform to parking standards in Chapter 1292.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1252 – Waterfront-Shoreland Overlay District (WS)

Adopted August 4, 1998 – Ordinance 1998-01

Last amended July 15, 2008 – Ordinance 2008-02

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Chapter 1252.01	Purpose
Chapter 1252.03	Overlay Zone Established
Chapter 1252.05	Site Development Standards
Chapter 1252.07	Vegetation, Beaches, Seawalls & Erosion Control
Chapter 1252.09	Docks & Boat Launches
Chapter 1252.11	Storm Water Drainage

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#### **1252.01 PURPOSE**

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 which will ensure reasonable usage by riparian property owners and the general public.

#### **1252.03 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.

## Chapter 1252 – Waterfront-Shoreland Overlay District (WS)

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.

### **1252.05 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" less than 12' x 12' in surface 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.

### **1252.07 VEGETATION, BEACHES, SEAWALLS & EROSION CONTROL**

1. Vegetation shall be regulated in the following manner within the overlay district.
  - A. All exposed bottomlands and all land within 35 feet of the ordinary high water mark of a body of water shall be maintained in a vegetative state of some kind, such as but not limited to grass, shrubs, trees, and other like plants, unless otherwise permitted in this chapter.
  - B. The temporary removal of vegetation is allowed if it is promptly restored to a level of equal or greater erosion control. For soils that are disturbed during site work on any parcel, the owner of such parcel shall restore such soils and lands to the specification outlined in the soil erosion permit for such parcel.
2. Beaches, including those beaches located above and/or behind a seawall, shall be regulated in the following manner within the overlay district.
  - A. In any residential zoning district (LR-1, LR-2, MFR, AR), exposed bottomlands and lands abutting the ordinary high water mark of a body of water may be used, modified and maintained as beaches, including the removal of vegetation and organic soils, based on the regulations found in this chapter. For beach areas that are modified from their natural state, the following criteria apply:
    1. The average width of the beach area shall extend no further inland from the ordinary high water mark than 15 feet; and,

Chapter 1252 – Waterfront-Shoreland Overlay District (WS)

2. At no point may the beach area have a grade change of more than 3 feet of increase from the ordinary high water mark.
3. The total water frontage of any improved beach (including sanding) for a given lot or parcel is allowed only as follows:

<u>Amount of Frontage for the Parcel or Lot Involved</u>	<u>Permitted Improved Beach Frontage</u>
0 to 99 feet	20 feet
100 to 149 feet	25 feet
150 to 199 feet	30 feet
Over 200 feet	35 feet

- B. In the Open Space Recreational zoning district, beaches shall be regulated as follows: No single parcel shall have more than 40% of its total water frontage used as a beach area unless the parcel is part of a larger network of commonly owned parcels all zoned “Open Space Recreational,” in which case the following applies:
  1. The percentage of water frontage devoted to beaches shall be calculated as a total of the adjoining parcels under common ownership.
  2. This regulation is to be applied concurrently with the regulations of Chapter 1252.09 which regulate dock spaces in areas zoned open space recreational.
- C. Seawalls in the Village of Lake Isabella shall be regulated by the Michigan Department of Environmental Quality, except that wood seawalls constructed in a horizontal pattern shall be prohibited.
- D. In the Residential zones within the Waterfront-Shoreland Overlay District, no fencing of any kind shall be located within 35 feet of the ordinary high water mark in any residential zoning district.

**1252.09 DOCKS & BOAT LAUNCHES**

1. No boat ramp, boat launch, or similar facilities may be constructed, improved, or utilized in any residential zoning district (LR-1, LR-2, MFR, AR) 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 each 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



## Chapter 1252 – Waterfront-Shoreland Overlay District (WS)

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 Michigan Department of Environmental Quality, including the placement of cement, stones, brick or other hard materials to create a launching and mooring surface.
3. Dock spaces shall be limited in all residential zoning districts (LR-1, LR-2, MFR, AR) to not more than one (1) dock extending into the lake from and for any parcel or lot. On or at no parcel or lot (or the shoreline or bottomlands thereof) in a residential district shall more than 5 watercraft be moored, docked, or kept at a single time either via a dock, anchoring device, or aground. No dock in a residential zoning district may extend into the lake more than 40 feet past the ordinary high water mark at any time, and no dock in a residential zoning district may extend into the river more than 20 feet past the ordinary high water mark at any time.
  4. Dock spaces in the Open Space Recreational district shall cover or involve not more than 50% of the water frontage of any parcel unless the parcel is part of a network of waterfront parcels under common ownership and which are all zoned Open Space Recreational. In that case, the total amount of frontage that may be devoted to dock spaces shall not be more than 35% of the total frontage for all of the parcels under common ownership. This does not prevent any single parcel of such a network from having more than 50% of its frontage devoted to dock spaces; however, no parcel may have more than 80% of its single frontage devoted to dock spaces while part of a network of waterfront parcels under common ownership. Community docks in the Open Space Recreational district are encouraged. Community docks shall have their shoreline frontage computed using the overall linear parallel length of the dock in relation to the shoreline.

### **1252.11 STORM WATER DRAINAGE**

For any new public or private street approved 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:

1. Sewer location and material type.
2. Sewer size (minimum 12-inch).
3. Cover (minimum of 3 feet).

Chapter 1252 – Waterfront-Shoreland Overlay District (WS)

4. Sewer slope.
5. Class and type of pipe for various depths (C76-Class II) under roads and parking lots.
6. Bedding (Class “B” minimum).
7. Compaction of trenches across roadway, driveways, sidewalks and parking lots (Class II Granular Backfill at 95% compaction).
8. Manhole and catch basin locations, and filter type for any drain that flows directly from a street to a body of water within the overlay district.
9. Existing utilities which cross or parallel proposed storm drains.
10. Design calculations shall be submitted for:
  - A. Storm sewers.
  - B. Drainage ditches.
  - C. Retention ponds.
  - D. Restricted discharges.
11. The applicant shall submit to the Village written evidence showing that the storm drainage plan has been approved by the following agencies, if they have jurisdiction:
  - A. Isabella County Road Commission. (ICRC)
  - B. Michigan Department of Transportation. (MDOT)
  - C. Isabella County Drain Commissioner. (ICDC)
  - D. Michigan Department of Natural Resources. (MDNR)
  - E. Michigan Department of Environmental Quality (MDEQ)
12. Storm Sewer slopes shall provide a flowing full velocity of at least 3 feet per second, minimum, and 10 feet per second, maximum.
13. All manholes shall be watertight, made of precast concrete, and shall have a minimum inside diameter of 48 inches. Landings are required when the depth exceeds 20 feet.
14. Clear openings in manholes shall be a minimum of 24 inches.
15. Maximum spacing between storm drainage structures shall be as follows:

Sewer Size, Inches	Manhole Spacing, Feet
12-15	300
18-30	350
36 and larger	400

16. Storm drainage structures, other than manholes, shall meet the following minimum requirements:

Chapter 1252 – Waterfront-Shoreland Overlay District (WS)

- A. 24-inch diameter structures are permitted if the depth from rim to top of the bottom slab is less than 5 feet and the structure is at the head of a run. Structures with a depth greater than 5 feet shall have a minimum inside diameter of 4 feet.
  - B. Structures should be precast concrete, except where standard manufacturers are unable to cast such a structure. In that case manhole block or a combination of manhole block and precast will be used.
  - C. Clear openings in structures shall be a minimum of 24 inches.
17. In general, street catch basins shall comply with the standards of the Isabella County Road Commission and shall be located as follows:
- A. At the radius return of street intersections. There should be a maximum distance of 150 feet along the street between a high point and a corner catch basin when drainage is required to go around the corner. No drainage will be permitted to enter into an intersection.
  - B. At all low points in streets.
  - C. At intermediate points along the street such that there is a maximum of 400 feet of drainage draining from a high point to a catch basin or from a previous intercepting catch basin to this catch basin.
  - D. A maximum of 400 feet of drainage is allowed from each direction.
  - E. At each corner of intersections with public roads to prevent drainage from passing through the intersection.
18. Improved open drains “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.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### **Chapter 1254 – Open Space Recreational (OSR)**

Adopted November 21, 2006 – Ordinance 2006-05

Last amended August 16, 2016 – Ordinance 2016-07

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Chapter 1254.01	Purpose
Chapter 1254.03	Permitted Structures
Chapter 1254.05	District Prohibitions
Chapter 1254.07	Site Development Standards

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#### **1254.01 PURPOSE**

The purpose of this district is 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.

#### **1254.03 PERMITTED STRUCTURES**

The following are allowed if incidental to a permitted use or approved special land use under this Chapter 1254.

1. Pavilions, picnic tables, and permanent grills for cooking
2. Gazebos and benches
3. Informational Boards
4. Restrooms
5. Bathhouses
6. Baseball/Softball Dugouts
7. Skateboard or roller-skate obstacles
8. Community boat docking piers
9. Storm Shelters
10. Organizational offices and meeting halls
11. Communication Towers

#### **1254.05 DISTRICT PROHIBITIONS**

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.

Chapter 1254 – Open Space Recreational (OSR)

**1254.07 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. Setbacks for all structures, excluding boat launches, in the Open Space Recreational district shall be the same as the setbacks for structures in the Lake Residential 1 zoning district, which is as follows:

Front Yard:	35 feet from the property line
Rear Yard:	35 feet from the property line
Side Yards:	Total of 20 feet from property lines, with no side less than 8 feet from the closest property line.

3. 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.
4. Landscaping shall be maintained in a neat and orderly manner at all times.
5. Any parcel zoned Open Space Recreational shall at a minimum have at least 90% of the total ground area uncovered and in an "open sky" state.
6. There is no specific limit to the number of structures or the size of structures in the district; however, the total parcel coverage of all structures on any one parcel shall not exceed 10% of the total square footage of that parcel.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1256 – Accessory Structures in Non-Residential Districts

Adopted January 22, 2013 – Ordinance 2012-09

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Chapter 1256.01	General Requirements
Chapter 1256.03	District Regulations
Chapter 1256.05	Landscaping Requirements
Chapter 1256.07	Design Requirements

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#### 1256.01 GENERAL REQUIREMENTS

1. 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.
2. Unless otherwise provided for, accessory structures shall be subject to the same use regulations as the primary structure that it is subordinate to.
3. 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.
4. No mobile home or trailer, truck trailer, railroad car, or storage pod shall be utilized as an accessory structure.
5. All accessory structures of any size shall be constructed of durable, finished materials and shall be compatible in color to the primary structure.
6. Free standing carports and portable garages shall not be permitted.
7. All accessory structures permitted under this Chapter with a footprint of 200 square feet or more shall be firmly attached to a foundation, with the exception of pole construction structures.
8. All pole construction structures located outside of Agricultural or Open Space districts shall have a concrete floor.
9. Accessory structures shall comply with all setback and built-to lines.

#### 1256.03 DISTRICT REGULATIONS

##### 1. AGRICULTURAL DISTRICT

**Number Allowed:** No Limit

**Pole Construction Permitted: Yes**

**Allowed Size:**

<b>Parcel Size (acres)</b>	<b>Maximum Footprint (square feet)</b>	<b>Maximum Sidewall (feet above grade)</b>
Less than 5 acres	80% of Primary Structure up to a maximum of 1,600.	12
5.00 – 9.99	2,200	14
10.00 – 19.99	2,800	14
20.00 or greater	2,800 + 100 feet for every full acre in excess of the first 20.	16

**Authority to Approve:** The Zoning Administrator may approve a permit application for an agricultural accessory structure that is equal to, or less than, 2,200 square feet which had side walls of 14 feet or less. For all other approvals, the applicant is required to obtain Site Plan approval from the Planning Commission.

2. COMMERCIAL DISTRICT

**Number Allowed:** A minimum of 2 on parcels that are less than 1.5 acres in size, provided one of the accessory structures has a footprint of 400 square feet or less. For parcels that are equal to or greater than 1.5 acres in size, 1 additional accessory structure over 400 square feet may be permitted by the Planning Commission for each full acre over the original 1.5 acres.

**Pole Construction Permitted:** No, unless approved by the Planning Commission during the Site Plan approval process.

**Allowed Size:** 80% of the footprint of the primary structure.

**Maximum Height:** Equal to the height of the primary structure, to a maximum of 20 feet above grade.

**Authority to Approve:** Unless otherwise stated, the Zoning Administrator may approve all permit applications for accessory structures in this district.

3. AIRPORT COMMERCIAL DISTRICT

**Number Allowed:** 2, provided one of them has a footprint of 400 feet or less.

**Pole Construction Permitted:** Yes

**Allowed Size:** 80% of the footprint of the primary structure.

**Maximum Height:** Equal to the height of the primary structure, to a maximum of 20 feet above grade.

**Authority to Approve:** The Zoning Administrator may approve all permit applications for accessory structures in this district.

4. **EAST COLDWATER BUSINESS DISTRICT**

**Number Allowed:** A maximum of 3 on parcels that are less than 5 acres in size, provided that one of the accessory structures has a footprint of 400 square feet or less. For parcels that are equal to or greater than 5 acres in size, 1 additional accessory structure may be permitted by the Planning Commission via an approved Site Plan for each full additional 2 acres of the parcel in excessive of the first 5 acres. This is illustrated below as an example:

<b>Parcel Size</b>	<b>Number Allowed in excess of 400 square feet.</b>	<b>Total Number Allowed</b>
> 5 Acres	2	3
5.00 to 6.99	2	3
7.00 to 9.99	3	4
10.00 to 11.99	4	5
<i>The allowed numbers increase as shown for each additional full 2 acres</i>		

**Pole Construction Permitted:** No

**Allowed Size:**

<b>Parcel Size (acres)</b>	<b>Maximum Footprint (square feet)</b>	<b>Maximum Height (feet above grade)</b>
Less than 5 acres	75 % of Primary Structure Footprint up to a maximum of 1,000.	Equal to the height of the Primary Structure up to a maximum of 16 feet above grade.
5 acres or greater	75% of Primary Structure Footprint up to a maximum of 2,000.	Equal to the height of the Primary Structure up to a maximum of 22 feet above grade.

**Authority to Approve:** Unless otherwise stated, the Zoning Administrator may approve a permit application for an accessory structure in this district that is equal to, or less than, 600 square feet with a total height of 14 feet or less. For all other approvals, the applicant is required to obtain Site Plan approval from the Planning Commission.

5. **WEST COLDWATER BUSINESS DISTRICT**

**Number Allowed:** 2, provided one of them has a footprint of 400 feet or less.

**Pole Construction Permitted:** No



**Allowed Size:** 80% of the footprint of the primary structure.

**Maximum Height:** Equal to the height of the primary structure, to a maximum of 20 feet above grade.

**Authority to Approve:** The Zoning Administrator may approve all permit applications for accessory structures in this district.

6. INDUSTRIAL DISTRICT

**Number Allowed:** No Limit

**Pole Construction Permitted:** Yes

**Allowed Size:**

<b>Parcel Size (acres)</b>	<b>Maximum Footprint (square feet)</b>	<b>Maximum Height (feet above grade)</b>
Less than 5 acres	80% of Primary Structure up to a maximum of 1,600.	75% of Primary Structure Height to a max of 20 feet.
5.00 – 9.99	2,200	75% of Primary Structure Height to a max of 25 feet.
10.00 or greater	2,800	75% of Primary Structure Height to a max of 30 feet.

**Authority to Approve:** The Zoning Administrator may approve a permit application for an accessory structure that is equal to, or less than, 2,200 square feet with a total height of 20 feet or less. For all other approvals, the applicant is required to obtain Site Plan approval from the Planning Commission.

7. OPEN SPACE RECREATIONAL DISTRICT

**Number Allowed:** No Limit

**Pole Construction Permitted:** Yes

**Allowed Size:** Equal to the footprint of the primary structure on the parcel.

**Maximum Height:** Equal to the height of the primary structure.

**Authority to Approve:** The Zoning Administrator may approve all permit applications for accessory structures in this district.

1256.05 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. As a

minimum, the following standards shall be applicable to all accessory structures in non-residential districts erected or modified after the effective date of this section:

1. General Landscaping Standards

- A. All areas not covered by structures, parking areas, drives, sidewalks, plazas, decks, or other impervious surfaces shall be planted with living vegetation.
- B. All landscape planting areas shall be stabilized and maintained with seed, sod, mulches, or other approved materials to prevent soil erosion.
- C. All required planting is to occur within 9 months of the date of development approval. In the event that the project is completed during a time of year when planting is impractical, a performance bond or surety shall be provided to the Village if so required by the Planning Commission.
- D. Tree wraps, wires, and stakes shall be removed after the first growing season. Nothing contained herein shall prevent the seasonal wrapping of trees and shrubs after the first growing season.

2. Maintenance

- A. The property owner shall be responsible for the maintenance of all landscaped areas, including those within any public right-of-way.
- B. Lawns and landscaped areas shall be maintained in a substantially weed free manner.
- C. 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.

3. Plant Requirements

- A. All plant material shall be hardy to the Lake Isabella area. As defined in the LR-3 Section of the zoning code.
- B. All plant material shall be free from disease and insects.
- C. Landscaping shall not include more than 33% of any single plant species. At least 75% of new plantings shall be native to Michigan.

4. 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 finished grade at the time of planting.

- C. Evergreen trees shall be at least 60 inches in height above finish grade at the time of planting.
  - D. Shrubs shall be at least 30 inches in height above finished grade at the time of planting
5. **Appeal Process:** For landscaping requirements imposed by the Zoning Administrator for accessory structures not requiring site plan review, the owner of the proposed accessory structure may appeal such conditions to the Planning Commission for their consideration. All landscaping decisions of the Planning Commission, either in the Site Plan review process, or appeal of the determination of the Zoning Administrator; are appealable to the Zoning Board of Appeals.

#### **1256.07 DESIGN REQUIREMENTS**

- 1. 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:
  - A. Appearance is measured when viewed from adjacent property, or from water bodies, streams, rivers, roads, parks, or other facilities open and accessible to the public.
  - B. Identical material is not required, but the following characteristics shall be the same or similar.
    - 1. Orientation of boards, grooves, grains, shingles and other exterior characteristics.
    - 2. 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.
    - 3. Color of roofing.
    - 4. 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.).
    - 5. 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...).
    - 6. Roof pitch shall be equal to that of the primary structure to which it is subordinate to unless otherwise approved by the Planning Commission.

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- C. 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.
2. 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.
  3. 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.
  4. 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.



Use	Single-Family Districts			Multi-Family	Districts of Commerce			Industrial Districts			OSR
	LR-1	LR-2	AR	LR-3	C-1	ECB	WCB	AC	RLM	Ag	
Financial Institutions	-	-	-	-	P	P	P	-	-	-	-
Fish Hatchery	-	-	-	-	-	-	-	-	-	S	S
Flea Market	-	-	-	-	-	-	-	-	-	S	-
Food Processing Plant	-	-	-	-	-	-	-	-	S	S	-
Funeral Parlor & Mortuaries	-	-	-	-	-	P	-	-	-	-	-
Gas Station	-	-	-	-	-	P	-	-	-	-	-
Golf Courses	S	S	-	S	-	-	P	-	-	-	S
Grain Elevator	-	-	-	-	-	-	-	-	-	S	-
Greenhouse	-	-	-	-	-	S	-	-	P	P	-
Group Home, Large	-	-	-	S	-	-	-	-	-	S	-
Group Home, Medium	S	S	-	P	S	-	-	-	-	P	-
Health Professional Offices	-	-	-	-	S	P	P	-	-	-	-
Hotel/Motel	-	-	-	-	-	P	S	-	-	-	-
Houses of Worship	S	S	S	S	P	P	P	-	-	P	-
Indoor Recreation Centers	-	-	-	-	-	P	-	-	-	-	-
Kennel, Boarding	-	-	-	-	-	S	-	-	P	S	-
Kennel, Private	-	-	S	-	-	-	-	-	-	P	-
Laundromat	-	-	-	-	-	P	-	-	-	-	-
Live-Work Structure	-	-	-	-	-	P	P	-	-	P	-
Lumberyard	-	-	-	-	-	S	-	-	P	-	-
Manufacturing, Heavy	-	-	-	-	-	-	-	-	S	-	-
Manufacturing, Light	-	-	-	-	-	-	-	-	P	-	-
Manufacturing, Medium	-	-	-	-	-	-	-	-	S	-	-
Marinas	-	-	-	-	-	-	-	-	-	-	S
Motor Vehicle Repair	-	-	-	-	-	S	-	-	P	-	-
Motor Vehicle Sales	-	-	-	-	-	P	-	-	-	-	-
Motor Vehicle Service	-	-	-	-	-	P	-	-	-	-	-
Multimedia Production & Broadcast Facility	-	-	-	-	-	P	S	-	P	-	-
Nursery	-	-	-	-	-	S	-	-	P	P	-
Nursing Home	-	-	-	S	S	-	-	-	-	P	-
Outdoor Recreation Facilities	-	-	-	-	-	-	-	-	-	-	P
Pawn Shop	-	-	-	-	-	P	-	-	-	-	-
Payday Loan & Check Cashing Services	-	-	-	-	-	P	P	-	-	-	-
Personal Service Establishment	-	-	-	-	-	P	P	-	-	-	-
Playground	P	P	S	P	P	P	P	-	-	-	P
Pool Hall	-	-	-	-	-	P	-	-	-	-	-
Print Plant	-	-	-	-	-	-	-	-	P	-	-
Private Cemetery	-	-	-	-	S	-	-	-	-	S	-
Private Parks	S	S	S	S	S	-	-	-	-	-	P
Public Utility Facilities	-	-	-	-	-	-	-	-	S	S	-
Quarry	-	-	-	-	-	-	-	-	S	S	-
Racetrack	-	-	-	-	-	-	-	-	S	-	-
Recycling Drop-off Sites	-	-	-	-	-	-	-	-	S	S	-
Research Laboratory	-	-	-	-	-	-	-	-	P	-	-
Restaurant	-	-	-	-	S	P	P	-	-	-	-
Restaurant, Drive-thru	-	-	-	-	-	P	S	-	-	-	-
Retail Establishment	-	-	-	-	-	P	P	-	-	-	-
Roadside Stands	-	-	-	-	-	S	-	-	-	P	-
RV, Trailer, Watercraft Service & Storage	-	-	-	-	-	S	-	-	P	-	S

Use	Single-Family Districts			Multi-Family	Districts of Commerce			Industrial Districts			OSR
	LR-1	LR-2	AR	LR-3	C-1	ECB	WCB	AC	RLM	Ag	
Salvage Yards	-	-	-	-	-	-	-	-	S	-	-
Sawmill	-	-	-	-	-	-	-	-	S	-	-
School, Public, Private, & Parochial	S	S	-	S	S	-	-	-	-	-	-
School, Vocational	-	-	-	-	-	-	S	-	-	-	-
Self-Service Storage Facility	-	-	-	-	S	P	-	S	P	-	-
Shopping Center	-	-	-	-	-	P	-	-	-	-	-
Single -Family Dwelling	P	P	P	-	P	-	-	-	-	P	-
Solar Energy Facility	-	-	-	-	-	-	-	-	P	P	-
Solid Waste Facility	-	-	-	-	-	-	-	-	S	-	-
State Licensed Mobile Home Park	-	S	-	-	-	-	-	-	-	-	-
Studios and Workshops	-	-	-	-	S	P	S	-	-	-	-
Supermarket	-	-	-	-	-	P	-	-	-	-	-
Tattoo Parlor	-	-	-	-	-	S	-	-	-	-	-
Telecommunication Tower	-	-	-	-	-	-	-	-	S	P	S
Theaters & Assembly Halls	-	-	-	-	-	P	-	-	-	-	-
Townhouse	-	-	-	P	S	-	S	-	-	-	-
Veterinary Clinic	-	-	-	-	-	P	-	-	-	P	-
Warehouse, Distribution	-	-	-	-	-	-	-	-	P	-	-
Warehouse, Retail	-	-	-	-	-	P	-	-	P	-	-
Winery	-	-	-	-	-	-	-	-	S	P	-
Winery, Boutique	-	-	-	-	-	P	S	-	-	-	-

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1262 – Special Land Uses

Adopted August 4, 1998 – Ordinance 1998-01

Last amended August 31, 2010 – Ordinance 2010-04

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Chapter 1262.01	Purpose
Chapter 1262.03	Application Procedure
Chapter 1262.05	General Requirements for Special Land Uses
Chapter 1262.07	Performance Bonds
Chapter 1262.09	Design Standards for Special Land Uses

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#### **1262.01 PURPOSE**

Special land uses are those uses of land which require individual review and restriction in order to ensure compatibility with the surrounding area, public services and facilities and adjacent land uses. The purpose of this Chapter is to establish procedures and criteria which shall be applied in considering a special use request. The criteria provided in this Chapter shall be in addition to those required elsewhere in this code of ordinances. The following special land uses are subject to the conditions of this Chapter in addition to all other requirements of the codified ordinances of the Village of Lake Isabella:

1. Adult entertainment activities.
2. Agricultural labor housing
3. Assisted Living Facilities
4. Bars & Taverns
5. Country clubs and golf courses
6. Dwelling-units (non-ground floor)
7. Excavation–Transportation Services
8. Fairgrounds, flea markets and amusement parks
9. Filling stations and convenience centers
10. Fuel storage facilities
11. Group Day Care Homes
12. Hotel/Motel
13. Houses of Worship
14. Indoor Recreation Centers
15. Kennels



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16. Large Group Homes
17. Licensed child Care Centers
18. Marinas, yacht and boat clubs
19. Meat processing plants
20. Medium Group Homes
21. Mineral extraction industries
22. Mini-Warehouse Storage Units
23. Miniature golf and golf driving ranges
24. Motor vehicle repair facilities
25. Nursing homes
26. Outdoor recreational facilities
27. Planned Unit Developments (PUD)
28. Public and institutional uses
29. Recycling drop-off sites
30. Restaurants
31. Salvage yards
32. Solid waste disposal areas
33. Theaters, Assembly Halls, Lodges, and Private Clubs
34. Wood processing facilities

### **1262.03 APPLICATION PROCEDURE**

An application for a Special Land Use Permit shall comply with the following procedures:

1. Application. Applications for Special Land Use Permits shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Village Council. No part of any fee shall be refundable.
2. Required Information. An application for a Special Land Use Permit shall include the following information:
  - A. A completed application form, supplied by the Zoning Administrator.
  - B. A site plan as required in Chapter 1214.
3. Hearing. After a preliminary review of an application for a Special Land Use Permit, the Planning Commission shall hold a public hearing or hearings on the special use request in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and also in accordance with any other applicable statute or ordinance.

## Chapter 1262 – Special Land Uses

4. Review. Within a reasonable time following the public hearing, the Planning Commission shall make a determination on the Special Land Use Permit application. The determination shall be in accordance with the criteria for approval stated in Chapter 1262.05 and such other standards contained in this code of ordinances. The Planning Commission shall give final approval of the Special Land Use Permit.
5. Issuance of a Special Land Use Permit. Upon the approval by the Planning Commission, the Special Land Use Permit shall be signed by the Village Clerk and the Zoning Administrator. The permit shall include any conditions necessary to ensure conformance with this ordinance. The permit shall become valid 21 days after the date of approval.
6. Appeal. Within 30 days following the date of decision on any special land use permit, an applicant or an aggrieved party, including any governmental body or agency, may appeal the decision of the Planning Commission to the Village Council. Upon the filing of an appeal, the application, all relevant documents, testimony and the findings and decision of the Planning Commission shall be transmitted to the Village Council.
7. Decisions. All decisions shall contain a statement of conclusions specifying the basis for the decision and any conditions imposed upon the special land use.
8. Inspections and Revocation. The special land use permit shall be revoked if any of the conditions imposed in the granting of the permit are not met or maintained.

### **1262.05 GENERAL REQUIREMENTS FOR SPECIAL LAND USES**

The general requirements for all special land uses are as follows:

1. Whether the proposed development is in general agreement with the adopted Village Master Plan.
2. Whether the density or use characteristics of the proposed development are detrimental to adjacent properties and land uses.
3. The special land use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property due to traffic, noise, smoke, odor, fumes or glare.
4. 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.
5. The special land use shall represent an improvement to the property under consideration and the surrounding area in general.
6. The special land use shall not place demands on public services and facilities in excess of current capacity.

**1262.07 PERFORMANCE BONDS**

The Planning Commission may require a performance bond, or other guarantee of valuable consideration.

**1262.09 DESIGN STANDARDS FOR SPECIAL LAND USES**

All special land uses shall be subject to the requirements of the district in which they are located in addition to the following design standards:

1. Adult Entertainment Activities.

A. PURPOSE

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 ~~two~~ such uses 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:

- 1) 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;
- 2) 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;
- 3) The negative secondary effects of sexually oriented businesses are exacerbated by close proximity to bars serving alcoholic beverages by the glass;
- 4) 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;
- 5) The zoning regulations allow for the location of sexually oriented businesses within specified zoning districts of the Village of Lake Isabella,

## Chapter 1262 – Special Land Uses

and a reasonable number of sites legally are available to be acquired and used by sexually oriented businesses;

- 6) 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;
- 7) 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;
- 8) 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.

The above rationale is based upon numerous studies and findings of fact considered by the Village Council and Planning Commission which document a clear connection between sexually oriented businesses and a negative impact without limitation on the surrounding community. These studies and finding 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

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- “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.

### B. DEFINITIONS

Definitions as used in this sub-chapter which are not set forth in Chapter 1204 of the code of ordinances are hereby defined as follows:

**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 Merchandise Store:** Any establishment having 20% or greater portion of its stock in 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.

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**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.

**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 message 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

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

**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 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.

### C. LOCATIONAL REGULATIONS

A. The adult entertainment activities itemized in this section shall be limited to the East Coldwater Business District.

B. These uses include: Adult bookstores, adult cabarets, adult merchandise stores, adult motion picture theaters, escort agencies, massage establishments & health clubs, nude model studios, and other like and similar uses which provide goods or services which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or which is distinguished or characterized by its

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emphasis on "specified sexual activities" or "specified anatomical areas."

- C. An application to establish an adult entertainment activity shall not be approved if there is already in existence 1 ~~2~~ or more adult entertainment activities within 1,320 feet of the boundaries of the site of the proposed activities, excepting as otherwise provided for within this section.
- D. 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 within this Article.
- E. The Planning Commission may waive the locational standards limiting adult entertainment activities as they relate to similar uses if the following findings are made:
  - 1. 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.
  - 2. That the proposed use will not enlarge or encourage the development of a "skid row" area.
  - 3. 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.
  - 4. That all applicable regulations of the code of ordinances will be observed.
- F. The Planning Commission 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. The circulated petition shall contain the following:
  - 1. The circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition and the same were affixed to the petition by the person whose name appeared thereon.
  - 2. The petition will be so worded that the signers of the petition 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.

## Chapter 1262 – Special Land Uses

- G. 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.
- H. Prior to the granting of a waiver of locational requirements, the Planning Commission 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.

### D. OPERATIONAL REGULATIONS

- A. No person under the age of 18 shall be employed by a sexually oriented business or by an adult entertainment activity.
- B. 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.
- C. 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:
  - i. Any depiction or description in any material of any specified sexual activity or specified anatomical area.
  - ii. Any novelty item or literature
  - iii. Any person engaging in any specified sexual activity or specified anatomical area.
- D. No sexually oriented business or adult entertainment activity shall allow for the sale or consumption of alcoholic beverages by the glass.
- E. Hours of operation shall be between the hours of noon and midnight.
- F. No business shall be conducted on Sundays or any federal holiday.
- G. At least 2 employees, excluding entertainers, shall be on the premises at all times during operating hours.
- H. The business shall be equipped with operational security cameras which shall be used at all times during operational hours.



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- I. No signs or other advertisements may include photographs, silhouettes, drawings, descriptions or other representations of any specified anatomical areas, or specified sexual activity.
- J. 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.
- K. Sexually oriented business and adult entertainment activities which offer live entertainment shall provide all of the following:
  - 1. 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.
  - 2. All locations, including the dressing rooms and ingress/egress to the dressing rooms shall be ADA compliant.
  - 3. The dressing area for performers shall be separate and not freely accessible from areas of the business accessible to patrons.
  - 4. The dressing area shall be serviced by restroom facilities, including working toilets, sinks, and hot and cold running water.
  - 5. 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.
  - 6. 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.
- L. 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.
- M. 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:
  - 1. Any specified anatomical areas.
  - 2. Any device, costume, covering, or novelty which gives the appearance or stimulates any specified anatomical areas.
- N. No person shall engage in any specified sexual activities on the premises of any sexually oriented business or adult entertainment activity.
- O. Sexually oriented business and adult entertainment activities which are classified as Massage Establishments & Health Clubs shall also comply with the following regulations:

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1. All tables, tubs, shower stalls, and floors; except for reception and administrative areas, shall be made of nonporous materials which may be readily disinfected.
  2. Closed cabinets shall be provided and used for the storage of clean linens, towels, and other materials used in connection with administering massages.
  3. Closed containers shall be provided for soiled linens, towels, and waste materials.
  4. 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.
  5. Each area where massage is practiced shall be equipped with an operational hand sink with hot and cold running water.
  6. No part of the establishment shall be used for, or connected to, any bedroom or sleeping quarter.
  7. At least one door to the establishment which connects directly to the reception area shall remain unlocked during normal business hours.
  8. 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.
- P. Any violation of the requirements contained in this section, or on the terms and conditions imposed by the Village for approval, shall be grounds deemed as grounds of forfeiture of the approval granted by the Village of Lake Isabella.

### E. APPLICATION PROCEDURE

- A. A Special Land Use permit, and approved Site Plan shall be required prior to the opening of the sexually oriented business or adult entertainment activity.
- B. The Planning Commission shall conduct the initial review and hearing as required by statute, and shall issue a finding of fact pertaining to the sufficiency of the applicant in relation to the requirements contained herein. This finding of fact and recommendation shall be forwarded to the Village Council, which shall take action upon the finding of fact and recommendation within 49 days of the conclusion of the Planning Commission's involvement.
- C. The Village Council may schedule an additional public hearing if it so desires prior to taking final action to approve or disapprove the application.
- D. If the Village Council disapproves the application, it shall do so only after issuing a finding of fact for the grounds of the disapproval.

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### 2. Agricultural Labor Housing

- A. Agricultural labor housing for the housing of migrant farm workers and migrant employees of permitted food processing uses may be permitted by the Planning Commission in the A-1 District only
- B. Agricultural labor housing shall be located upon the same parcel of land as the principal structure to which they are accessory and only on a farm as defined in Chapter 1204.
- C. Minimum farm size shall be at least 40 acres in size where the agricultural labor housing is proposed.
- D. 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.
- E. 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.
- F. Conditions may be imposed by the Planning Commission to ensure a desirable living environment for the migrant workers and to protect the values and desirability of adjacent properties.

### 3. Assisted Living Facilities

- A. The Landscaping standards and requirements of Section 1238.09(10) 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 section 1212.11 of the codified ordinances of the Village of Lake Isabella.
- E. One parking space shall be provided for every 2 beds.
- F. The minimum parcel size shall be 5 acres.
- G. Privacy fencing up to six feet in height may be permitted by the Planning Commission which would not normally otherwise be permitted by the Zoning Code, provided such is located in side or non-street yards and is made of either wood or vinyl.
- H. Room sizes shall comply with Section 1238.09(11-B)
- I. The development standards found in Section 1238.09(3, 6, and 12) shall also apply.

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- J. A minimum of 90 square feet of common area open space shall be provided and maintained per resident, based on maximum allowed occupancy.
  - K. A minimum of 120 square feet of interior common area shall be provided and maintained per resident, based on maximum allowed occupancy.
  - L. The facility shall not be located within 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'), which shall be maintained with landscaping and screening.
  - O. Required yards abutting public right-of-ways shall be kept free of parking spaces.
4. Bars & Taverns
- A. Bars & Taverns shall not be located within 300 feet (property line to property line) of any of the following:
    - 1. Another Bar or Tavern
    - 2. Any public school
    - 3. Any Licensed Child Care Center or Group Day Care
5. Country Clubs and 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.
6. Dwelling-units (non-ground floor)
- A. The residential space shall have safe, convenient access that is independent of any other use(s) located on the parcel.
  - B. The habitable floor space on all floors shall be used to compute the number of required parking spaces.
7. Excavation–Transportation Services
- A. All heavy equipment used in the operation shall enter and exit the property in driveways located no less than 100 feet from an adjacent residence.

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- B. All storage of equipment and materials must be inside a building or in the rear yard and behind the building.
  - C. Screening or fencing shall be provided from adjacent residences.
  - D. The maximum lot size shall be 5 acres in the Agricultural District.
8. Fairgrounds, Flea Markets and Amusement Parks
- 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.
9. Filling Stations and Convenience Centers.
- 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 lot area shall be 43,560 square feet (One acre) and arranged so that ample space is available for all motor vehicles. Filling stations and convenience centers which are intended solely for the sale of gasoline, oil and minor accessories, having no facilities for repair or servicing of automobiles (including lubricating facilities), may be approved on lots meeting the lot area requirements of the District it is located in.
  - C. Fences and screening may be required by the Planning Commission to protect adjacent property. Such fencing and screening shall be maintained for the life of the special use permit.
10. Fuel Storage Facilities
- 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.
11. Group Day Care Homes
- A. The standards specified in Chapter 1276 shall apply to all Group Day Care Homes.
12. Hotel/Motel
- A. One independent off street parking space shall be required for every rental unit, plus one additional space for each employee.
  - B. Any exterior play area or swimming pool shall be fenced and used only for persons staying at the hotel/motel.

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### 13. 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.

### 14. Indoor Recreation Centers

- A. One independent off-street parking space shall be provided for every 100 square feet of usable floor area.

### 15. Kennels

- A. No more than 15 animals over the age of 6 months are allowed to be housed at the location at any one time.
- B. The structure housing the animals shall be made adequately soundproof so that sound heard on adjacent properties does not exceed 60 dBA.
- C. During the hours of 10:30 PM and 6:00, AM all animals shall be kept indoors.

### 16. Large Group Homes

- A. The Landscaping standards and requirements of Section 1238.09(10) shall be 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 section 1212.11 of the codified ordinances of the Village of Lake Isabella.
- E. One parking space shall be provided for every 3 beds and fraction thereof.
- F. The minimum parcel size shall be 4 acres.
- G. Privacy fencing up to six feet in height may be permitted by the Planning Commission which would not normally otherwise be permitted by the Zoning Code, provided such is located in side or non-street yards and is made of either wood or vinyl.
- H. Room sizes shall comply with Section 1238.09(11-B)
- I. The development standards found in Section 1238.09(3, 6, and 12) shall also apply.
- J. A minimum of 75 square feet of common area open space shall be provided and maintained per resident, based on maximum allowed occupancy.
- K. A minimum of 100 square feet of interior common area shall be provided and maintained per resident, based on maximum allowed occupancy.

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- L. 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.
  - M. Required yards abutting public right-of-ways shall be kept free of parking spaces.
17. Licensed Day Care Centers
- A. The standards specified in Chapter 1276 shall apply to all Licensed Child Care Centers.
18. Marinas, Yacht and Boat Clubs
- A. Such uses shall only be located in waters that are directly adjacent to lands zoned Open Space Recreational (OSR). [References to allowing Marinas, Yacht and Boat Clubs as special land uses in chapters 1234.05(4), 1236.05(4), 1238.05(4), and 1240.05(5) are hereby deleted.]
  - 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, and 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.
19. Meat Processing Plants
- A. Minimum lot size shall be three 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.
20. Medium Group Homes
- A. The Landscaping standards and requirements of Section 1238.09(10) shall be 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 section 1212.11 of the codified ordinances of the Village of Lake Isabella.
  - E. One parking space shall be provided for every 3 beds and fraction thereof.
  - F. The minimum parcel size shall be 2 acres.

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- G. Privacy fencing up to six feet in height may be permitted by the Planning Commission which would not normally otherwise be permitted by the Zoning Code, provided such is located in side or non-street yards and is made of either wood or vinyl.
- H. Room sizes shall comply with Section 1238.09(11-B)
- I. The development standards found in Section 1238.09(3, 6, and 12) shall also apply.
- J. A minimum of 65 square feet of common area open space shall be provided and maintained per resident, based on maximum allowed occupancy.
- K. A minimum of 75 square feet of interior common area shall be provided and maintained per resident, based on maximum allowed occupancy.
- L. Required yards abutting public right-of-ways shall be kept free of parking spaces.

### 21. Mineral Extraction Industries

- 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 gravel 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 within 100 feet of a property line or a road right-of-way. The Planning Commission may allow excavation activities within this minimum set back 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 80 acres.
- E. All truck operations shall be directed away from residential streets, whenever practical.
- 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 excessive dust or dirt or other air pollution injurious or



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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 effected 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:
  - 1. 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.
  - 2. 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.

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3. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
  4. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
  5. 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. For the purpose of legal non-conforming mineral extraction industries, expansion shall not be permitted if the expansion exceeds 50% of the area disturbed by mining activities as of July 1, 2008. All expansion after July 1, 2008 shall be reclaimed in accordance with Chapter 1226.
- O. All permit applications for excavation must be co-signed by both the landowner and the operator.

### 22. Mini-Warehouse Storage Units

- A. All vehicular access to and from the site shall be from an arterial street and shall be approved by the Planning Commission.
- B. Fences and screening may 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.

### 23. Miniature Golf and Golf Driving Ranges

- A. 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.
- B. Golf driving ranges shall provide safety screening and orientation as deemed reasonable and necessary by the Planning Commission.
- C. No principal or accessory building shall be closer than 50 feet from any abutting residential district or within 200 feet of any existing residential dwelling.

### 24. Motor Vehicle Repair Facilities

- 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.

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- 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 with Section 3.11 may be required by the Planning Commission to protect adjacent property.
- E. The Planning Commission shall limit the number of vehicles stored outdoors.

### 25. Nursing Homes

- A. The Landscaping standards and requirements of Section 1238.09(10) shall be 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 section 1212.11 of the codified ordinances of the Village of Lake Isabella.
- E. One parking space shall be provided for every 2 beds.
- F. The minimum parcel size shall be 5 acres.
- G. Privacy fencing up to six feet in height may be permitted by the Planning Commission which would not normally otherwise be permitted by the Zoning Code, provided such is located in side or non-street yards and is made of either wood or vinyl.
- H. Room sizes shall comply with Section 1238.09(11-B)
- I. The development standards found in Section 1238.09(3, 6, and 12) shall also apply.
- J. A minimum of 90 square feet of common area open space shall be provided and maintained per resident, based on maximum allowed occupancy.
- K. A minimum of 120 square feet of interior common area shall be provided and maintained per resident, based on maximum allowed occupancy.
- L. The facility shall not be located within 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'), which shall be maintained with landscaping and screening.

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- O. Required yards abutting public right-of-ways shall be kept free of parking spaces.

### 26. Outdoor Recreational Facilities

- A. Minimum lot size shall be three acres.
- B. No commercial enterprise shall be permitted to operate on the grounds, except those activities which are solely for the use of patrons of the outdoor facilities.
- C. All target ranges shall not be located within one-half mile of any residential district and shall be screened and bermed as required by the Planning Commission.
- D. No outdoor activity area shall be located within 100 feet of any property line.
- E. Fences and screening in conformance with Chapter 1222 may be required by the Planning Commission to protect adjoining property.

### 27. Planned Unit Developments (PUD's)

- A. The standards specified in Chapter 1282 shall apply to all Planned Unit Developments.

### 28. Public and Institutional Uses

- A. Public parks are allowed in LR-1 Districts if it conforms to the Village Master Plan
- B. Such use shall be in conformance with the character of the adjacent neighborhood and shall be essential to service the neighborhood or community.
- C. The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening and other conditions necessary for the use to conform to the character of the adjacent neighborhood.
- D. The Village Council may at any time by majority vote exempt the Village of Lake Isabella from any and all zoning requirements imposed by this code for any and all purposes.

### 29. Recycling Drop-Off Sites

- A. The site shall be supervised during hours of operation, or receptacles shall be provided to ensure complete containment of materials.
- B. Operations shall be conducted in such a way that will control litter and pestilence, and will not contribute to unsightliness.
- C. Areas utilizing dumpsters shall comply with the requirements of section 1212.11

### 30. Restaurants

- A. In establishments where alcoholic beverages or entertainment are allowed, no building shall be located closer than 50 feet to any residential district.

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- 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.

### 31. 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 three 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 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 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.

### 32. Solid Waste Disposal Areas

- 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.

### 33. Theater, Lodges, & Assembly Halls

- A. 1 independent off-street parking space shall be provided for every 60 square feet of usable floor area.

### 34. Wood Processing Facilities

- 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 Planning Commission may require that part or all of the operation be screened.

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- C. All truck operations shall be directed away from residential areas, whenever practical.
- 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 in 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 excessive 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. 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.

## Village of Lake Isabella - Codified Ordinances

### Article XII – Planning & Zoning

#### **Chapter 1272 – Home Occupations & Home Businesses**

Adopted August 31, 2010 – Ordinance 2010-04

Chapter 1272.01	Use/Approval Table
Chapter 1272.03	Classification Matrix
Chapter 1272.05	Prohibited Home Occupations & Home Businesses
Chapter 1272.07	Requirements & Prohibited Activities
Chapter 1272.09	Conditions of Review
Chapter 1272.11	Medical Marijuana Registered Primary Caregivers
Chapter 1272.13	License & Inspection
Chapter 1272.15	Revocation

#### **1272.01 USE/APPROVAL TABLE:**

Based upon the answers in the classification matrix in section 1272.03, the following chart shall govern whether a proposed home occupation or home business shall be permitted in a specific zoning district and also what level of review and approval shall be required to conform to the zoning code:

District	Home Occupation	Level 1 Home Business	Level 2 Home Business
Lake Residential 1	O	Z	S
Lake Residential 2	O	Z	S
Airport Residential	O	Z	S
Multi-Family Residential	O	X	X
Airport Commercial	O	O	Z
West Coldwater Business	O	O	Z
East Coldwater Business: Ground Floor	X	X	X
East Coldwater Business: Above ground floor	O	X	X
Agriculture	O	O	Z
Commercial	O	O	Z
Light Industrial	X	X	X
Open Space Recreational	X	X	X

**O** = Permitted by right (No additional review or approval required)

**Z** = Permitted by Approval of the Zoning Administrator

**S** = Special Land Use (Planning Commission Approval as a Special Land Use)

**X** = Not Permitted or Allowed

**1272.03 CLASSIFICATION MATRIX**

The following series of criteria are established to determine what classification a home based activity falls into. Based on upon the responses to the criteria in the table below, the activity will be classified by the most intense use with Home Occupation being the least intense and a Level 2 Home Business being the most intense:

<b>Criteria</b>	<b>Home Occupation</b>	<b>Level 1 Home Business</b>	<b>Level 2 Home Business</b>
I will prepare food for sale in my home	N	N	Y
I will have customers or clients visit my home	N	Y	Y
I will have a sign advertising my business at my home	N	Y	Y
On average I will have 3 or more delivery visits to my house per week	N	N	Y
I will have employees (apart from me and my spouse) working from my home.	N	Y	Y
I will have at least 1 employee, but not more than 2 employees working from my home	N	Y	N
I will have more than 2 employees, but not more than 5 employees working from my home	N	N	Y
The only business use of my home will be that of an office for my off-site business activity.	Y	N	N
Not more than 20% of the habitable floor space of my dwelling will be used for business or non-residential purposes	Y	Y	N
At least 20%, but not more than 40% of the habitable floor space of my dwelling will be used for business or non-residential purposes	N	N	Y
I will use an accessory structure in the operation of my business	N	N	Y
My business is that of an art studio and gallery where my work is created, displayed and sold; or where I provide instruction in arts, crafts, or music to not more than 2 students at a time	Y	N	N

N = No

Y = Yes



**1272.05 PROHIBITED HOME OCCUPATIONS AND HOME BUSINESSES:**

The following occupations, uses, and activities are prohibited as a home occupation or as a home business:

1. Animal Processing or Butchering (This does not include Taxidermy)
2. 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.
3. Kennels
4. Animal training or grooming
5. Barber shops, beauty salons, nail salons, and tanning salons
6. Medical or dental offices.
7. Restaurants
8. Welding or machine shops
9. Bed & Breakfasts
10. Any drive-through window, service, or similar use.

**1272.07 REQUIREMENTS AND PROHIBITED ACTIVITIES:**

The following regulations apply to all home occupations and home businesses:

1. The maximum amount of habitable floor space allowed for non-residential purposes shall be 40%.
2. Commercial grade lawn equipment, construction equipment, heavy equipment, farm machinery, and landscaping supplies are not permitted to be stored at the home unless the following conditions are met:
  - A. The parcel size is 2 acres or greater
  - B. All equipment and supplies are stored inside a fully enclosed lawful primary or accessory building.
  - C. Equipment repairs and maintenance shall be done inside a building and be limited to those items owned by the business.
3. There will be no changes to the exterior of the home so as to lessen the single-family residential character or appearance of the structure.
4. To establish a home occupation or home business, the home must be the primary residence of the proprietor of the business. For lawful primary structures which are classified as “Hangars” and located within the Lake Isabella Airpark plat the primary structure only need be owned by the proprietor of the home occupation or home business.
5. Home occupations and home businesses shall not make or cause noise, vibration, smoke, dust, odor, heat, or electrical interference with surrounding structures.
6. 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.
7. Walk-in retail or trade is not allowed. Drive-through service or windows are not allowed.
8. The outdoor storage or display of items supportive of the home occupation or home business is prohibited.

## Chapter 1272 – Home Occupations & Home Businesses

9. All parking associated with the home occupation or home business shall occur off-street.

### **1272.09 CONDITIONS OF REVIEW**

For home businesses which require the review and approval of either the Zoning Administrator or the Planning Commission, the following conditions of review shall apply (in addition to any other applicable standards in the Zoning Ordinance):

1. Adequate off-street parking has been provided for with independent spaces for each employee.
2. A detailed floor plan has been submitted which shows the area of the home to be used for non-residential purposes.
3. For businesses which require additional inspections from health, safety, or building officials, final approval by the Village of Lake Isabella shall not occur until all other inspections and approvals have been obtained and written documentation has been submitted to the Zoning Administrator.
4. For home businesses which require review as a Special Land Use, the conditions of review of Chapter 1262, in addition to the conditions of this Chapter, shall apply. This includes the Planning Commission's requirement to hold a public hearing, notify surrounding properties as required in the Michigan Zoning Enabling Act, the Planning Commission's right to impose conditions on approval, and the Planning Commission's ability to require a performance guarantee from the applicant.

### **1272.11 MEDICAL MARIJUANA REGISTERED PRIMARY 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) and this Code of Ordinances for the Village of Lake Isabella operating out of his/her residence is hereby classified as a 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. In addition, all of the following requirements are applicable:

1. The use, possession, and growing of marijuana shall at all times fully comply with the conditions and circumstances established by the MMMA.
2. The registered primary caregiver is operating at his or her primary residence.
3. A registered primary caregiver must be located outside of a one-thousand foot (1,000') radius from any parcel with a school or child care center.
4. A registered primary caregiver must be located outside of a one-thousand foot (1,000') radius from any public park.
5. A registered primary caregiver must be located outside of a one-thousand foot radius (1,000') from any house of worship.
6. A registered primary caregiver must be located outside of a one-thousand foot radius (1,000') from any bar or tavern.
7. No more than a total of two (2) registered primary caregiver shall be allowed to serve qualifying patients on or from any parcel or lot.
8. A maximum of one visit per day, per qualifying patient, is allowed between the hours of 8 AM and 8 PM.

## Chapter 1272 – Home Occupations & Home Businesses

9. All medical marijuana ready for use shall be contained within the dwelling on the parcel or lot, in an enclosed, locked area inaccessible on the exterior of the dwelling with devices which limit access to only the registered primary caregiver.
10. The outdoor growth and/or cultivation of medical marijuana plants is prohibited.
11. All medical marijuana plants cultivated shall be contained within a legally existing dwelling in a locked and inaccessible locker, cabinet, or the equivalent by devices which restrict access to only the registered primary caregiver.
12. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential illumination levels between 10 PM and 7 AM shall employ shielding methods which prevent ambient light spillage to adjacent residential properties without alteration to the exterior of the residence.

### **1272.13 LICENSE AND INSPECTION**

Home businesses shall be annually licensed by the Village of Lake Isabella and may be inspected by the Zoning Administrator once every three years. The Village Council may by resolution set a fee to be charged for the annual license to cover expenses incurred with administering and enforcing this Chapter.

### **1272.15 REVOCATION**

If any resident living within 300 feet of a home occupation or home business believes that it is being conducted in violation of this Chapter or believes the home occupation or home business is detracting from the residential character of the neighborhood, the resident may submit a petition to the Village for the home occupation or home business to cease and desist. If the Zoning Administrator is unable to resolve the problem informally between the resident and the proprietor of the home occupation or home business, the matter will be placed on the agenda of the Board of Zoning Appeals for a public hearing upon the submission of a fee by the proprietor to the Village equal to that of the least expensive residential variance application fee. On the basis of evidence introduced at this hearing, the Board may require the home occupation to cease and desist or impose additional restrictions or conditions on the conduct of the business.

(As used in the Codified Ordinances of the Village of Lake Isabella, the words “marihuana” and “marijuana” are interchangeable and have the same meaning.)

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1276 – Day Care & Child Care Centers

Adopted July 15, 2008 – Ordinance 2008-02

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Chapter 1276.01	Regulation of all Day Care & Child Care Facilities
Chapter 1276.03	Additional Regulations

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#### **1276.01 REGULATIONS OF ALL DAY CARE & CHILD CARE FACILITIES:**

1. A minimum of thirty-five square feet (35') of habitable indoor play area shall be provided for each child. This area shall be computed exclusive of hallways, bathrooms, office areas, kitchens, storage areas and closets, and areas used exclusively for rest or sleep.
2. A minimum of 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. This requirement may be waived by the Planning Commission if a public park or school space is available within 500 feet of the parcel line of the subject property.
3. All outdoor play equipment shall be located at least twenty feet (20') from any residential dwelling(s) on abutting properties.
4. 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.

#### **1276.03 ADDITIONAL REGULATIONS**

1. A group day care home shall provide a minimum of three hard surfaced, off-street parking spaces. Not more than two of the required parking spaces may be provided in the required front yard setback, and not more than one of the required parking spaces may block another parking space. A licensed child care facility shall provide one (1) parking space per six (6) children that is licensed for.
2. A licensed child care facility shall not be located on a parcel smaller than 20,000 square feet.
3. A group day care or a child care facility shall not be located within 300 feet, measured parcel line to parcel line to any of the following:
  - a. A licensed group day care home.
  - b. A licensed child care facility.
  - c. A foster family group home.

## Chapter 1276 – Day Care & Child Care Regulations

- d. A State licensed residential facility for adult foster care or for care and treatment of persons released from, or assigned to adult correctional institutions.
- e. A facility offering substance abuse treatment and rehabilitation service to seven or more people as licensed by the State of Michigan.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### **Chapter 1282 – Planned Unit Development**

Adopted August 4, 1998 – Ordinance 1998-01

Last amended July 15, 2008 – Ordinance 2008-02

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Chapter 1282.01	Purpose
Chapter 1282.03	Authority
Chapter 1282.05	Pre-Conference
Chapter 1282.07	Applications and Approval Process
Chapter 1282.09	Permitted Uses
Chapter 1282.11	Required Conditions Planned Unit Developments
Chapter 1282.13	Performance Bonds
Chapter 1282.15	Procedure

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#### **1282.01 PURPOSE**

The Planned Unit Development (PUD) is a method by which creative large-scale development of land is encouraged in appropriate locations. The PUD is a device which makes use of varying lot sizes and integrates different building structures and should incorporate multiple uses in an effort to develop a sustainable neighborhood. Typically, structures in these developments are clustered in such a manner as to achieve the same overall density that would be achieved if the developer had laid out the development in the conventional grid zoning pattern. In addition to the clustered structures, open spaces are provided to insure recreational opportunities.

The intent of a PUD is to allow for special conditions for which normal zoning regulations are inappropriate. Approval of PUDs are intended to be reserved for special situations, such as preserving natural area, development on larger parcels, allowing multiple uses on the same property, or innovative project design.

PUDs are commonly used to address difficult site and land use situations where a rezoning or use variance is not an appropriate remedy. Although PUDs will generally be located on larger parcels, there may be unique circumstances where small parcel or multiple parcel PUDs are a suitable solution to a specific problem.

PUD is a device which allows a development to be planned and built as a unit and which permits variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development. PUD, therefore, is both a type of development and a regulatory process. As a development type, PUD permits flexibility in site design that allows buildings to be clustered; mixture of housing types such as detached houses, townhouses, or garden apartments, combining housing with such other ancillary uses as neighborhood shopping centers; better design and arrangement of open space; and retention of such natural features as floodplains or steep slopes.

## Chapter 1282 – Planned Unit Development (PUD)

Often communities define PUDs as large sites developed as a single unit combining a variety of structures and perhaps uses, in which ownership is retained by a single individual, partnership, corporation or association. Because of the trend to conserve and protect open space, sensitive land resources and the natural environment, a PUD may be the only feasible type of development where particular site conditions (floodplains, rolling or uneven terrain, wetlands, poor soils) demand clustering or grouping of structures on only part of the site.

PUD is a flexible concept which includes cluster zoning, planned developments, community unit plans, planned residential developments, and other terminology denoting zoning requirements designed to accomplish the objectives of a zoning ordinance through a land development process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

The major purpose of a PUD is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space; and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of an area.

### **1282.03 AUTHORITY**

1. Because the PUD process diverges from zoning approvals "by right" and by "special land use" it requires a special set of standards and procedures. Procedure for PUD review and approval are outlined in the Michigan's Zoning Enabling Act, as amended. The liberal definition of "planned unit development" in this legislation gives Michigan planners tremendous flexibility in applying the PUD technique. PUDs in Michigan could range from a planned community to a small apartment complex to the adaptive reuse of an historic structure on a single lot. The PUD technique may be applied to any land use or mix of uses.
2. The Planned Unit Development is a more accommodating application of zoning. Sometimes it is called cluster zoning, community unit plan, or planned residential development.

### **1282.05 PRE-APPLICATION CONFERENCE**

1. Before submitting an application for approval of a PUD, the applicant shall confer in a meeting with the Planning Commission to obtain information and guidance regarding land development regulations, the Village's Master Plan, and the application process. At the pre-application conference, the applicant shall submit a preliminary sketch plan for the proposed PUD. All maps shall show enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed. The Planning Commission shall review the preliminary sketch plan to determine its conformance with the intent of this Chapter, codified ordinances of the Village of Lake Isabella, and the Village's Master Plan.

## Chapter 1282 – Planned Unit Development (PUD)

2. The maps which are a part of the preliminary sketch plan may be in general, schematic form and must contain the following:
  - A. A recent map of the site, reflecting area size and boundary line dimensions.
  - B. Existing and proposed land uses and their approximate locations.
  - C. Existing topographic character of the site.
  - D. The character, approximate net residential density and expected final population of the proposed PUD.
  - E. Circulation patterns including pedestrian walkways and arterial, collector or local streets.
  - F. Any proposed public or common use areas including schools, parks, open space, etc.
  - G. Existing floodplains, bodies of water and other unbuildable areas.

### **1282.07 APPLICATION AND APPROVAL PROCESS**

1. Upon completion of the pre-application review, an application may be submitted to the Planning Commission. Such application shall be accompanied by the following:
  - A. An application fee.
  - B. A completed site plan as required in Chapter 1214 provided that if the PUD is to be developed in phases, a sketch site plan may be accepted for the entire site and a detailed site plan shall be submitted for each phase as approval is sought.
  - C. A development schedule indicating:
    1. Approximate date for commencement of construction.
    2. Phases, if any, in which the project will be built and the expected starting and completion dates of each project.
    3. Size and location of each area of common use for recreation or open space purposes which will be completed at each phase.
  - D. Proposed agreements, covenants, deed restrictions or other provisions which are proposed to govern the use, maintenance and continued protection of the PUD and any of its common use and open areas.
  - E. The following additional information may also be required at the discretion of the Planning Commission:
    1. A description of the proposed operation in sufficient detail to indicate the noise, smoke, odor, vibration, dust and dirt, noxious gases, glare and heat, fire hazards, industrial wastes and traffic which may be produced by such operation.



## Chapter 1282 – Planned Unit Development (PUD)

2. Engineering and architectural plans for controlling problems of the type enumerated above, if deemed necessary by the developer or if required by the Planning Commission.
  3. Final development architectural sketches or general specifications as to the type of construction materials to be used in the proposed PUD.
  4. A market analysis, stating the economic justification and need for the establishment of the type and size proposed by the applicant.
  5. A traffic survey, prepared by a qualified traffic engineer, indicating the effect of the proposed shopping center on adjacent streets. Said survey shall disclose the points of origin, direction and amount of traffic flow to and from the proposed PUD as well as adequate means of ingress and egress.
  6. Engineering and architectural plans for: The treatment and disposal of sewage; the disposal of storm waters from roofs, parking lots, and all hard surfaced areas of the development; and the proposed handling of traffic congestion, glare, air pollution, fire or safety hazards.
2. Upon receipt of the application and accompanying materials, the Planning Commission shall conduct a public hearing, notice of which shall be given in accordance with the statutory requirements for special land uses. In formulating its decision, the Planning Commission shall consider the following:
    - A. General requirements for special land uses as stated in the zoning code.
    - B. General objectives of a PUD as stated in herein
    - C. Specific purpose, qualifying conditions, permitted uses and applicable requirements for the district in which the proposed PUD is located.
  3. Final approval or disapproval of the site plan shall be made by the Village Council. The Planning Commission shall prepare a report stating its conclusions on the request for a Planned Unit Development, the basis for its decision to approve or disapprove the request, the decision and the conditions relating to that approval. A copy of the report and the approved final site plan, shall be forwarded to the Village Council for final approval.
  4. The Village Council is specifically authorized to require the recording of a plat in connection with any such application when required by statute.

### **1282.09 PERMITTED USES**

The following uses may be permitted within the Districts in which the PUD is located: All uses allowed by right in the A-1, LR-1, MFR, West Coldwater Business and C-1 Districts; plus all uses allowed as a Special Land Use within each District.

### **1282.11 REQUIRED CONDITIONS FOR PLANNED UNIT DEVELOPMENTS**

The following minimum conditions and requirements shall be complied with and shown on all plans and specifications.

## Chapter 1282 – Planned Unit Development (PUD)

1. **Density.** The density of the Planned Unit Development shall not exceed the density of the district in which the proposed PUD is located except that the Planning Commission may authorize a density increase of up to 15 percent where evidence is documented which shows no adverse effect on public services and facilities, on adjacent properties, the natural environment or county plans, provided that an equal amount of land is preserved as usable open space (not including wetlands). In determining the gross site area of the proposed development, wetlands or lands within the floodplain shall not be included.
2. **Height.** A dwelling or principal building shall be not more than two and one-half stories, nor exceed 35 feet in height. Accessory buildings shall not exceed a height of 20 feet.
3. **Building Spaces.** The front, side and rear yard requirements of the District the PUD is located in shall serve as the building space standards for all PUD's although the Planning Commission has the discretion of altering these standards where necessary.
4. **Usable Open Space.** A minimum usable open space area of 65 square feet per dwelling shall be provided within group housing developments. Such open space shall be provided at ground level, unoccupied by principal or accessory buildings, and available to all occupants of the group housing development. Each open space area, so provided, shall have a minimum total area of 1,200 square feet and shall be unobstructed to the sky. It shall not be devoted to service driveways or off street parking or loading space, but shall be usable for greenery, drying yards, recreational space and other leisure activity.
5. **Closed Courts.** No closed courts shall be permitted. Open arcades or garden walls not over six feet in height shall not be deemed enclosing features.
6. **Lot Area.** Minimum site areas for a Planned Unit Development shall be as follows:
  - A. Residential PUD's shall have a minimum lot size of five acres.
  - B. Commercial PUD's shall have a minimum lot size of 3 acres.
  - C. Industrial PUD's shall have a minimum lot size of 5 acres and industrial parks shall have a minimum lot size of 20 acres.
  - D. Mixed use PUD's shall have a minimum lot size of 10 acres.
7. **Lot Width.** The minimum width for a lot used for group housing shall be that area necessary for achieving open space requirements and yard requirements.
8. **Parking, Signs, & Exterior Lighting.** Off-street parking, signs, and exterior lighting shall comply with the codified ordinances of the Village of Lake Isabella.
9. **Environmental Design.** Planned Unit Developments shall be designed to enhance environmental features such as the preservation of trees, flood plains, natural areas and shall promote proper site landscaping.
10. **Perimeter Area.** To ensure the PUD is compatible with adjacent land uses, there shall be a buffer zone surrounding the development. This buffer zone shall be left

## Chapter 1282 – Planned Unit Development (PUD)

to the discretion of the Planning Commission to ensure uniformity with adjacent districts.

### **1282.13 PERFORMANCE BONDS**

Performance bonds relating to the PUD shall 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.

### **1282.15 PROCEDURE**

The establishment of a PUD shall conform in all respects to procedure set forth in this Ordinance in regard to Special Land Uses unless specifically otherwise set out in this Article.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### **Chapter 1292 – Off Street Parking**

Adopted August 4, 1998 – Ordinance 1998-01

Last amended July 15, 2008 – Ordinance 2008-02

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Chapter 1292.01	Scope
Chapter 1292.03	Required Parking Facilities

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#### **1292.01 SCOPE**

In all zoning districts, hard surfaced off–street parking facilities for the parking of self–propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this ordinance, shall be provided as herein prescribed.

#### **1292.03 REQUIRED PARKING FACILITIES**

The Planning Commission shall determine the minimum number of spaces required for accessory off–street parking. The Planning Commission may vary the parking requirements of this article where it finds that due to the nature of the particular use, said requirements will not be adequate to provide sufficient parking; or where the application will result in an excess amount of parking related to the particular use.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1294 – Regulation of Funnelling

Adopted August 4, 1998 – Ordinance 1998-01

Last Amended September 22, 2009 – Ordinance 2009-03

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Chapter 1294.01	Purpose
Chapter 1294.03	Funnelling Regulated

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#### **1294.01 PURPOSE**

The Following restrictions are intended to limit the number of users of properties adjacent to Lake Isabella and/or the Chippewa River in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the Village of Lake Isabella.

#### **1294.03 FUNNELING REGULATED**

1. The below restrictions shall apply to all 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 easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease. The lake, river, and stream access and use regulations contained in this section shall be fully applicable to all new planned unit development (PUD), site condominium, condominium, plats and special use projects or developments from the effective date of this chapter.
2. 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.
3. Any multiple-unit residential development in any zoning district that shares a common lake, river, or stream front area or frontage 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 each one hundred (100) feet of 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.
4. 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 or a planned unit development (PUD) approval by the Planning Commission of the Village of Lake Isabella.

5. In addition to the above limitations, no easement, private park, common area, lot or access property abutting or adjoining a lake, river, or stream shall be used to permit access to the lake, river, or stream for more than one (1) single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit or any other use or structure unless such additional access is approved as a special land use permit (and meet the requirements of the zoning district involved), or as a planned unit development (PUD).
6. 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.
7. 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 2, and 3 hereof shall be increased so as to equal the minimum lot width requirement of the zoning district in which the property is located.
8. The regulations contained in this section do not apply to any of the existing and recorded plats within the Village of Lake Isabella that have frontage along Lake Isabella and/or the Chippewa River with common areas, parks, and/or out-lots which are utilized to provide lake access and/or boat mooring to non waterfront parcels. Specifically, these plats are as follows: Lake Isabella Forest 1, Lake Isabella Plat 4, Lake Isabella Plat 3, Lake Isabella Plat 2, Lake Isabella Plat 1, Lake Isabella North, Lake Isabella Golf Estates I, Lake Isabella Golf Estates II, Lake Isabella South, and Lake Isabella Airpark. Nothing contained herein shall be deemed to exempt the plats listed in this sub-section from any other applicable regulation or ordinance of the Village of Lake Isabella.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning **Chapter 1302 – Zoning Board of Appeals (ZBA)**

Adopted August 4, 1998 – Ordinance 1998-01  
Last amended August 17, 2010 – Ordinance 2010-03

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Chapter 1302.01	Intent
Chapter 1302.03	Establishment
Chapter 1302.05	Organization & Membership
Chapter 1302.07	Powers & Authority
Chapter 1302.09	Meetings
Chapter 1302.11	Application Procedures
Chapter 1301.13	Review Standards
Chapter 1302.15	Conditions & Performance Bonds
Chapter 1302.17	Decisions of the ZBA
Chapter 1302.19	Period of Validity
Chapter 1302.21	Reapplication
Chapter 1302.23	Conflict of Interest
Chapter 1302.25	No ZBA Jurisdiction
Chapter 1302.27	Variance Termination

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### **1302.01 INTENT**

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 the interpretation of the language of the zoning code and map.

### **1302.03 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.

### **1302.05 ORGANIZATION & MEMBERSHIP**

1. 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.
2. 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.

## Chapter 1302 – Zoning Board of Appeals (ZBA)

3. 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 his/her term on the Planning Commission or Village Council or the election of officers for the Planning Commission or Village Council, whichever is shorter.
4. 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.
5. All members of the ZBA shall be electors in the Village of Lake Isabella.
6. The members shall annually select one of their members to serve as the Chair, and one member to serve as Vice-Chair, 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.
7. 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.
8. 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, any discussion, or any decision on such matter. Failure to do so constitutes misconduct of office.
9. 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.
10. An employee or contractor of the Village shall not serve as a member of the ZBA.
11. 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.

### **1302.07 POWERS & AUTHORITY**

After conducting a public hearing, the ZBA has jurisdiction and authority to decide the following:

1. Zoning map interpretations.
2. Zoning regulations or text interpretations.
3. 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).



## Chapter 1302 – Zoning Board of Appeals (ZBA)

4. Dimensional (non-use) variances.
5. Determination of lots of record and nonconforming lots.
6. Determination of lawful nonconforming uses, structures, and situations.

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.

### **1302.09 MEETINGS**

1. 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.
2. Applications shall be presented to the ZBA in the order in which they were received in complete form by the Village.
3. The ZBA shall conduct a public hearing prior to making any determination or granting any application. Notice of any public hearing shall be provided as required by statute.
4. Unless other rules of procedure are adopted by the ZBA, Robert's Rules of Order shall be the presiding parliamentary rules.
5. When presenting an application, fifteen (15) minutes shall be afforded to the applicant. This may be extended by a majority vote of the ZBA.
6. 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.
7. 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.
8. 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, and shall have the same participatory and voting rights as a regular member of the ZBA.
9. 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.
10. The ZBA shall set its normal meeting dates and time. Additional meetings may be called at the order of the Chair.

## Chapter 1302 – Zoning Board of Appeals (ZBA)

11. 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.

### **1302.11 APPLICATION PROCEDURES**

1. 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.
2. Filing Procedure. In filing an appeal, the following procedures shall be followed:
  - A. The application shall be in writing and must state the grounds for appeal.
  - B. 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 is requesting 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.
  - C. 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 the request will be presented to the ZBA. If the applicant is not the owner of the land involved, the owner must also sign the application.
  - D. Every appeal/application must be filed with the Village within thirty (30) days of the decision or determination being appealed from.
3. An appeal shall stay all proceedings, in furtherance of the action appealed from; unless the Zoning Administrator certifies to the ZBA that a stay would cause imminent peril to life or property. In such case, the proceedings may only be stayed by a restraining order granted by a court of competent jurisdiction.

### **1302.13 REVIEW STANDARDS**

1. 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 which 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.

## Chapter 1302 – Zoning Board of Appeals (ZBA)

2. 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 all of the following standards are met.
  - A. 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.
  - B. That the request is not related to a financial or economic hardship of the applicant.
  - C. That the parcel or structure cannot reasonably be developed or utilized in a manner allowed by the zoning district where the land is located.
  - D. 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 predecessors in title.
  - E. Granting the variance would not impair the public health, safety, or well being.
  - F. That granting the variance is based on a practical difficulty or extraordinary circumstances or conditions such as, but not limited to, exceptional topographical or physical features of the land, exceptional narrowness or shallowness of a specific piece of property which was legally existing on the effective date of the zoning code, or an extraordinary situation on the land or structure.
  - G. A variance shall not bestow upon the applicant a privilege not enjoyed by other properties in the same zoning district.
  - H. 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.
  - I. 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.
  - J. 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.

## Chapter 1302 – Zoning Board of Appeals (ZBA)

3. 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.
  - A. In deciding the appeal, the ZBA shall be limited to determining whether or not the decision that was made was done using the proper requirements and standards of the zoning code.
  - B. 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.
4. 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.
  - A. 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.
  - B. 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.
  - C. 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.
  - D. 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.

### **1302.15 CONDITIONS & PERFORMANCE BONDS**

1. 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 are capable of accommodating 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 to ensure compatibility with adjacent uses of land. Conditions imposed shall relate to one or more of the following requirements:
  - A. Compliance with the intent and purpose of the zoning requirements.
  - B. Protection of natural resources and the environment.

## Chapter 1302 – Zoning Board of Appeals (ZBA)

- C. 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.
  - D. Providing adequate support facilities such as, but not limited to, parking areas, driveways, walk-ways, pedestrian and vehicular circulation, screening, fences, and landscaping.
  - E. A valid exercise of the Village's police power which is affected by the proposed use or development.
2. 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.

### **1302.17 DECISIONS OF THE ZBA**

- 1. The ZBA shall make its decision upon an appeal or variance request in a timely manner after conducting a public hearing.
- 2. The decision shall include the reason(s) for the decision.
- 3. 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.
- 4. A decision of the ZBA shall be final. A decision of the ZBA may be appealed to the circuit court.
- 5. Prior to 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.

### **1302.19 PERIOD OF VALIDITY**

- 1. All variances shall be valid for twelve (12) months from the date of granting, during which time all authorized work must be completed.
- 2. 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 complete.
- 3. Only one six (6) month extension as authorized in subsection 2 above, may be granted on any variance.

## Chapter 1302 – Zoning Board of Appeals (ZBA)

4. Any project started but not completed within the required time limit shall be deemed to be in violation of the zoning code.

### **1302.21 REAPPLICATION**

No application for a variance or for a substantially similar variance which has been denied wholly, or in part, by the ZBA shall be resubmitted for a period of 365 days from such denial, except on 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.

### **1302.23 CONFLICT OF INTEREST**

1. 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.
2. 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.
3. Nondisclosure of a known conflict of interest shall be misconduct in office, and nondisclosure of circumstances which exist which could be perceived to be a conflict of interest may also constitute misconduct in office.
4. 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 the 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 the 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.

## Chapter 1302 – Zoning Board of Appeals (ZBA)

### **1302.25 No ZBA JURISDICTION**

The ZBA is without jurisdiction to hear any appeals or matters involving any of the following:

1. A planned unit development (PUD).
2. A special land use.
3. Site plan decisions.

Notwithstanding the fact that the ZBA generally has no jurisdiction with regard to the above-mentioned matters, the ZBA shall have jurisdiction to entertain variance requests related to subsections (1), (2), and/or (3) above, if the Village body which makes the final decision regarding the matter (for example, the Village Council with regard to a PUD or the Planning Commission with regard to a special land use) expressly grants written permission to the applicant involved to apply to the ZBA for a variance of one or more of the underlying requirements of the zoning regulations. For example, but not by way of limitation, the Planning Commission could approve a particular special use request contingent upon the ZBA granting a variance for an otherwise applicable requirement within the Ordinance which would normally prohibit the applicant or landowner from taking advantage of a special use approval absent a variance.

### **1302.27 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 case, the ZBA shall also have the authority to terminate a variance after reasonable notice and hearing.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### **Chapter 1304 – Planning Commission**

Adopted April 3, 2007 – Ordinance 2007-02

Last amended July 15, 2008 – Ordinance 2008-02

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Chapter 1304.01	Establishment & Purpose
Chapter 1304.03	Membership & Terms of Office
Chapter 1304.05	Compensation
Chapter 1304.07	Organizational Requirements
Chapter 1304.09	Duties

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#### **1304.01 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.

#### **1304.03 MEMBERSHIP & TERMS OF OFFICE**

- (1) The Planning Commission for the Village of Lake Isabella shall be comprised of seven members.
  - (a) 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 resolution of the Village Council and shall serve on the Planning Commission for the duration of the period of time set forth by the appointing resolution.
  - (b) 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 major 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.



## Chapter 1304 – Planning Commission

- (c) The authority to appoint members of the Planning Commission shall be vested in the affirmative vote of a majority of the Village Council after a nomination has been made by the Village President.
- (2) Membership on the Planning Commission shall be limited to electors of the Village of Lake Isabella, except that as only provided for by the Municipal Planning Act (Public Act 285 of 1931 as revised and amended), one member of the Planning Commission may be a non-resident of the Village of Lake Isabella.
  - (3) 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.
  - (4) With the exception of the ex-officio member of the Planning Commission and the member of the Planning Commission serving on the Zoning Board of Appeals, no member of the Planning Commission shall hold any other board or committee position with the Village of Lake Isabella, and no member of the Planning Commission may be employed by the Village of Lake Isabella at any time during his or her term of office.
  - (5) 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>. In the event that a term 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 such time as a successor is appointed.
  - (6) 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 majority vote of the Village Council, after a public hearing has been provided for.
  - (7) 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 his or her membership on the Planning Commission.
  - (8) 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 he or she 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.

### **1304.05            COMPENSATION**

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

## Chapter 1304 – Planning Commission

### **1304.07 ORGANIZATIONAL REQUIREMENTS**

- (1) The Planning Commission shall adopt bylaws that cover such routine duties including, but not limited to:
  - (a) Election and duties of officers.
  - (b) 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.
  - (c) Parliamentary procedure at meetings and public hearings.
  - (d) The ability to call special meetings.
- (2) 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 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.
- (3) The Planning Commission shall also appoint a Secretary that may be either a member of the Planning Commission or an employee of the Village of Lake Isabella.
- (4) The Planning Commission shall, at a minimum, meet at least four times annually to conduct business.

### **1304.09 DUTIES**

- (1) 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.
- (2) 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.
- (3) To make recommendations to the Village Council on all proposed zoning ordinances.
- (4) 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; the construction or authorization of any new public building or structure; the creation or expansion of any public park or open space.
  - (a) If the Planning Commission does not act upon a proposed capital improvement project as outlined sub-section (4) of this chapter of the codified ordinances of the Village of Lake Isabella, within sixty (60) days, the proposed project will be deemed to have been approved.
  - (b) 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

## Chapter 1304 – Planning Commission

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.

- (5) Review and make a recommendation for approval, modification, or disapproval of proposed plats.
- (6) Approve or disapprove site-plans as provided for in the zoning code of the Village of Lake Isabella.
- (7) Approve, approve with conditions, or disapprove of special land use applications.
- (8) To recommend to the Village Council fees and charges to be charged to cover Village expenses to applicants for various planning and zoning applications. *(Cross referenced with Chapter 1312.07)*
- (9) Other duties and functions as may be specifically prescribed by statute, charter, ordinance or resolution.

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1312 – Administration

Adopted August 4, 1998 – Ordinance 1998-01

Last amended October 21, 2014 by Ordinance 2014-06

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Chapter 1312.01	Zoning Official
Chapter 1312.03	Zoning Permit Required
Chapter 1312.05	Certificate of Zoning Compliance (CZC)
Chapter 1312.07	Fees
Chapter 1312.09	Time
Chapter 1312.11	Violations and Penalties
Chapter 1312.13	Additional Remedies
Chapter 1312.15	Public Hearing Requirements
Chapter 1312.17	Temporary Zoning Permits

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#### **1312.01 ZONING OFFICIAL**

The Village of Lake Isabella shall employ a Zoning Administrator to act as its officer to effect proper administration of 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.

#### **1312.03 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, unless otherwise exempted from doing so by a provision of this zoning code. 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. Unless otherwise stated, work permitted under a zoning permit shall be valid for 1 year from the date of approval.

#### **1312.05 INSPECTIONS & CERTIFICATES OF ZONING COMPLIANCE**

The development of all structures which require the issuance of a zoning permit per the codified ordinances of the Village of Lake Isabella are subject to inspection as a condition of the approval. Inspections shall occur in the following manner and sequence unless otherwise deemed not applicable by the Zoning Administrator:

1. New Structures or Alterations to Existing Structures:
  - A. The site shall be inspected prior to the issuance of a zoning permit.
  - B. If the site shall be re-inspected once the footings, foundation, or slab have been erected.

## Chapter 1312 – Administration

- C. The site and completed structure shall be inspected before occupancy. This inspection shall occur no later than 1 year after the date of issue of the permit, unless an extension has been granted for the completion of the structure.
  - D. Once the development has been completed and inspected per the conditions of the codified ordinances of the Village of Lake Isabella, the Zoning Administrator shall issue a Certificate of Zoning Compliance to the property owner if the conditions of the permit and codified ordinances are satisfied.
2. Changes in Use or Occupancy to Business, Commercial, or Industrial Properties:
- A. An inspection or review shall be made by the Zoning Administrator or his/her designee in order to confirm that the change in use is in conformance with the provisions of the zoning code of the Village of Lake Isabella.
  - B. Upon completion of this required review, if the change in use or occupancy is deemed to be in conformance with the codified ordinances of the Village of Lake Isabella, the Zoning Administrator shall issue a Certificate of Zoning Compliance to the property owner if the conditions of the permit and codified ordinances are satisfied.

### **1312.07 FEES**

- 1. Fees charged in order 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 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.
- 2. A person undertaking and commencing a use without the proper permit is subject to all the penalties in this Chapter. In lieu of commencing prosecution, the zoning official shall have the option to issue a zoning permit and to charge a double fee therefore.
- 3. Fees shall be established by the Village Council for the following:
  - A. Special Land Use Permits (Chapter 1262)
  - B. Rezoning Requests (Chapter 1322)
  - C. Site Plan Review (Chapter 1214)
  - D. Variance Applications (Chapter 1302)
  - E. Appeals (Chapter 1302)
  - F. Zoning Permits (Chapter 1312)
  - G. Certificates of Occupancy (Chapter 1312)
  - H. 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.

## Chapter 1312 – Administration

4. 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.
5. 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 accepted to the Village Clerk that covers the estimated costs of improvements in order to ensure the faithful 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.

### **1312.09 TIME**

The Planning Commission shall determine the length of time required for the following applications to be submitted in advance prior to being considered by the Village. An application shall not be accepted if the Zoning Administrator determines it to be incomplete in any manner.

1. Appeal.
2. Site Plan Review
3. Special Land Use
4. Variance
5. Zoning Application/Rezoning
6. Zoning Permit

### **1312.11 VIOLATIONS AND PENALTIES**

1. Municipal Civil Infraction. Any owner, agent, contractor, lesser 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.

## Chapter 1312 – Administration

2. The owner or tenant of any structure, or part thereof; parcel, or part thereof; architect, builder, contractor, agent or other 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.
3. 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.

### **1312.13 ADDITIONAL REMEDIES**

In addition to the above remedies, the following additional remedies may be instituted.

1. 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.
2. 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..

### **1312.15 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.

- A. When the provisions of the codified ordinances of the Village of Lake Isabella or the laws of the State of Michigan require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having the notice published in an official paper of general circulation in the Village of Lake Isabella and also mailed or personally delivered as required by state statute.
- B. As required by the Village Charter, no zoning ordinance may be adopted without a public hearing of the Village Council, the posting and notice requirements for that hearing shall be done as a separate notification from the posting and publishing requirements for any public hearing of the Planning Commission.

### **1312.17 TEMPORARY ZONING PERMITS**

1. Activities, uses, and structures permissible under the zoning code that are of a temporary nature, including those items listed in §1212.29, shall only occur after a Temporary Zoning Permit has been issued by the Zoning Administrator pursuant to the terms and conditions applicable to the permit for the temporary use or structure unless otherwise exempted by the zoning code.

## Chapter 1312 – Administration

2. Any such temporary use/structure that also requires a permit or license from the local Health Department, State of Michigan, or Federal government shall be treated as a temporary conditional use and may occur only upon the approval of the Planning Commission. The application, review, and approval process for a Temporary Conditional Use shall be the process and requirements used by the Village of Lake Isabella to process and review Site Plans as found in Chapter 1214 of the zoning code.
3. Houses of Worship may acquire a permit for a tent on its own property in any district. Also, all district setback requirements must be complied with as well as accommodating off-street parking for the additional floor area provided.



# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1322 – Amendments & Moratoriums

Adopted August 4, 1998 – Ordinance 1988-01

Last Amended by Ordinance 2011-10; August 16, 2011

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Chapter 1322.01	Amendments
Chapter 1322.03	Moratoriums
Chapter 1322.05	Notice of Adoption

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#### **1322.01 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 not 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.

#### **1322.03 MORATORIUMS**

The Village Council may, by 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 ordinance 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 of 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.

## Chapter 1322 – Amendments

A violation of any moratorium shall constitute a violation of this Ordinance. 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.

### **1322.05 NOTICE OF ADOPTION**

Upon the adoption of any zoning ordinance, the Village Clerk shall caused 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.