

Village of Lake Isabella
1010 Clubhouse Drive
Lake Isabella, MI, 48893
989-644-8654

ORDINANCE 2018-07
SETBACK AMENDMENTS

The Village of Lake Isabella hereby ordains:

SECTION 1 PURPOSE

The purpose of this Ordinance is to amend various sections of the zoning code pertaining to setback requirements.

SECTION 2 CHAPTER 1204 AMENDED

The following definitions in Chapter 1204 of the Codified Ordinances are hereby amended to read as follows:

Setback, Structure: The minimum linear distance by which between a structure's footprint must be separated from the property line ~~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.~~

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

1. **Front yard/Street Yard.** ~~An~~ The required open space area across the full width of a parcel extending into the parcel from the nearest public or private right-of-way. Yards shall be measured from the road right-of-way line to the nearest portion of the structure.
2. **Rear Yard/Waterfront Yard.** ~~An~~ The required open space area across the full width of a parcel extending into the parcel from the rear parcel line to the primary structure.

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

SECTION 3 SECTION 1212.07 AMENDED

Section 1212.07 of the Codified Ordinances of the Village of Lake Isabella is hereby amended to read as follows:

~~CORNER LOT~~ PARCELS WITH MULTIPLE STREET FRONTAGES

Any yard that abuts a public or private street right-of-way or road shall meet the front yard requirements of the district in which it is located, unless such is considered a Secondary Street Frontage as defined and regulated in the zoning code. ~~The remaining yards shall be considered side yards.~~

SECTION 4 SECTION 1212.11 (1) AMENDED

Section 1212.11 (1) of the Codified Ordinances of the Village of Lake Isabella is hereby amended to read as follows:

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.

SECTION 5 SECTION 1232.17 AMENDED

Section 1232.17 of the Codified Ordinances of the Village of Lake Isabella is hereby amended to read as shown in EXHIBIT A.

SECTION 6 SECTION 1254.07(2) AMENDED

Section 1254.07(2) of the Codified Ordinances of the Village of Lake Isabella is hereby amended to read as follows:

Setbacks for all structures, excluding boat launches, in the Open Space

Recreational district are regulated by Section 1232.17 of the zoning code. ~~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.

SECTION 7 SECTION 1276.03 (1) AMENDED

Section 1276.03(1) of the Codified Ordinances of the Village of Lake Isabella is hereby amended to read as follows:

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 a~~ required ~~front street~~ 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.

SECTION 8 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is found for any reason to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 9 ORDINANCES REPEALED

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

SECTION 10 EFFECTIVE DATE

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

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We, the undersigned President and Clerk of the Village of Lake Isabella, Isabella County, State of Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance #2018-07 “*SETBACK AMENDMENTS*” of the Village of Lake Isabella, was adopted in the following manner with at least seven days elapsing between the publication of the public hearing for the Ordinance and the enactment by the Village Council at a regular or special meeting of the Lake Isabella Council, offered by councilmember _____, and seconded by councilmember _____. Originally introduced by councilmember _____.

Planning Commission Public Hearing	August 14, 2018
Planning Commission Recommendation	
Village Council Introduction	
Village Council Public Hearing	
Village Council Enactment	

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

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Dated at Lake Isabella, Michigan, this ____ day of _____, 2018.

 Village Council President
 David K. Torgerson

 Village Clerk
 Jeffrey P. Grey

EXHIBIT A

1232.17 EUCLIDIAN DISTRICT PARCEL REGULATIONS

Zoning District	Min. Parcel Area (sq. ft.)	Min. Parcel Width (1)	Min. Street/Front Yard	Secondary Street Frontage Yard	Min. Total Side Yard	Min. Least One Side Yard	Min. Rear Yard	Max. Height	Max. Parcel Coverage
(Ag) General Agriculture	43,560	150'	50'	<u>50'</u>	40'	20'	35'	35' (2)	10%
(LR-1) Lake Residential 1	20,000	100'	35' <u>MS</u> 30' <u>LS</u>	30' <u>MS</u> 25' <u>LS</u>	20'	8'	35' <u>(6)</u>	35'	50%
(LR-2) Lake Residential 2	20,000	100'	35' <u>MS</u> 30' <u>LS</u>	30' <u>MS</u> 25' <u>LS</u>	20'	8'	35' <u>(6)</u>	35'	50%
(LR-3) Lake Residential 3	24,000	130'	35'	<u>30'</u>	20'	10'	20'	35'	35%
(AR) Airport Residential	20,000	100'	35' <u>MS</u> 30' <u>LS</u>	<u>25'</u>	20'	8'	35' <u>(6)</u>	35'	50%
(WCB) West Coldwater Business	21,780	100'	15'	<u>15'</u>	10'	5'	15'	30' (5) 36'	NA
(ECB) East Coldwater Business	43,560	150'	15'	<u>15'</u>	10'	5'	15'	30' (5) 36'	NA
(C-1) General Commercial	43,560	100'	30'	<u>25'</u>	10' (3)	(3)	25' (3)	35' (4)	NA
(AC) Airport Commercial	43,560	330'	50'	<u>50'</u>	40'	20'	40'	35'	NA
(RLM) Research & Light Manufacturing	217,800	330'	50'	<u>50'</u>	40' (3)	20' (4)	40' (3)	60'	NA
(OSR) Open Space Recreational	NA	NA	35'	<u>25'</u>	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)
- (6) If the "Rear Yard" setback is abutting property zoned OSR or Ag (inside or outside the Village limits), or LR-1 property used for a golf course, the setback shall be reduced by fifteen feet (15') for a minimum required twenty feet (20') rear yard setback.
- (7) MS = Major Street/County Primary LS = Local Street/County Secondary