

Village of Lake Isabella - Codified Ordinances

Article XII – Planning & Zoning

Chapter 1212 – General Provisions

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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

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 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.

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 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.
 - 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 Manufactured 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 Per Schedule of Footnotes below
LR-1				
Waterfront	1,400	1,000	1:2.5	A
Back-lot	1,200	1,000	1:2.5	A

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Single T-Lot	840	840	1:2.5	B
Ag.	1,000	1,000	1:2.5	B
Airport Res.	1,000	800	1:2.5	B
LR-2	800	800	1:4	C
LR-3	1,200	1,000	1:2.5	A
WCBD	1,000	1,000	1:2.5	B
Com.	1,000	1,000	1:2.5	B

Required Garage Size Footnotes:

1. 35% of the ground floor Dwelling Area, up to a maximum “minimum size” of 484 ft².
 2. 30% of the ground floor Dwelling Area, up to a maximum “minimum size” of 288 ft².
 3. 35% of the ground floor Dwelling Area, up to a maximum “minimum size” of 288 ft²; or, a detached garage of at least 484 ft².
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 Manufactured Homes shall be removed, and none of the undercarriage shall be visible from the exterior of the Manufactured Home. Manufactured Homes are only allowed in the LR-2 District and Agricultural District. Modular Homes may be allowed in all zoning districts where the development of detached single-family dwellings is allowed.
 4. Manufactured housing shall comply with all regulations normally required for site-built dwellings in the zoning district in which it is located.
 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. All exterior lighting shall be directed downward to reduce light pollution.
 - C. 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.
 - D. 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 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. ¹		
G.	Pick		*

	1	of width, and fraction thereof; or, ² Must have a gable end facing the right of way for all or part of the roof. ^{3 & 4}		
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Footnotes to Design Requirements:

1. An uncovered deck does not satisfy this condition.
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.
5. “*” Indicates a required condition.

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/street 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 in a detached single-family dwelling to ensure harmony by conforming to established front yard setbacks with developed parcels within 300 feet of the site; or,
2. An exception of up to 8 feet may be granted for a covered porch on a detached single-family dwelling. Covered porches approved under this section may not be fully enclosed without approval from the Zoning Board of Appeals. To qualify, at least 50% of the front façade must be occupied by the covered porch.
3. An exception to the front/street yard setback approved by the Zoning Administrator shall not reduce the minimum required front/street yard setback for a detached single-family dwelling to less than twenty-five feet (25').

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 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

1. 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.
 - A. No temporary structure may be located within any front, side, or rear required setback area for any parcel in the village.
 - B. No temporary structure may be taller than 12 feet, unless otherwise approved by the Zoning Administrator.
 - C. 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.
2. 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.
 - A. No temporary structure shall have a footprint which occupies more than 200 square feet of ground coverage unless otherwise approved by the Planning Commission.
 - B. No temporary structure may be taller than 12 feet, unless otherwise approved by the Planning Commission.
3. 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

No structure or vehicle of a temporary character such as a trailer, recreational vehicle, basement, tent, shack, ice shanty, garage barn, barn, boat, houseboat or other 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 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 fame of 180 days.
8. Parcels may have upto 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 fame 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 an 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:

1. The private right-of-way or easement for a private street shall be at least sixty-six

(66) feet wide and also grant access and placement approval for public utilities such as, but not limited to, electrical service, telephone and fiber optic service, natural gas, public water, and public wastewater.

2. 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.
3. 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.
4. 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.

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:

1. Unreasonably increase water runoff or drainage onto one or more adjoining properties due to the amount, concentration, or flowage rate of runoff waters; or
2. 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.
3. 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 THE VILLAGE BOUNDARIES

In cases where a parcel lies partially outside of the Village's boundaries, if a proposed lot, structure, accessory structure, or use would not satisfy the minimum area, dimensional, and street frontage provisions of this zoning code with respect to that part of the lot located within the Village, then the minimum provisions of this zoning code shall be applied with respect to the lot, structure, accessory structure, or use as if the entire parcel were located within the Village. Provided however, that the entire parcel shall comply with the minimum area, width, and frontage requirements of this zoning code, and provided further that if access to the parcel is provided at a location outside the Village boundaries, then such access shall be subject to the approval of the Planning Commission 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:

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.

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.