

## **ARTICLE 4**

### **GENERAL PROVISIONS**

#### **SECTION 401 INTENT AND PURPOSE**

The intent and purpose of this Article is to establish general regulations and provisions that are applicable to all or some of the zoning districts herein.

#### **SECTION 402 REQUIRED ACCESS/STREET FRONTAGE**

- A. Any parcel or lot that is to be occupied by a use or a structure shall have the minimum lot width as prescribed in the district where it is located and frontage on and direct access to a public or private street that meets one of the following conditions:
1. A public road which has been, or shall be accepted for maintenance by the City of Laingsburg (“City”).
  2. A permanent and unobstructed private road reviewed, approved and built in accordance with Section 806.

#### **SECTION 403 LOT OF RECORD AND PRINCIPAL STRUCTURE**

Every structure erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of approved multiple-family, commercial, office and industrial developments, there shall be no more than one (1) principal structure or use and its permitted accessory structures located on each lot or parcel in any district, unless specified elsewhere in the Ordinance.

#### **SECTION 404 SETBACKS AND YARDS**

- A. No part of a setback, yard or other open space required for any use or structure for the purpose of complying with the provisions of this Ordinance, shall be included as part of a setback, yard or other open space similarly required for any other use or structure.
- B. No lot or parcel shall be reduced or diminished so that setbacks, yards or other setback requirements are less than specified herein, nor shall the area of any lot or parcel be reduced below the minimum requirements established herein for the district in which such lot or parcel is located.

**SECTION 405            STANDARDS FOR SINGLE-FAMILY DWELLING  
STRUCTURES**

A. No site-built single-family dwelling or manufactured home located outside of a manufactured housing community shall be permitted unless said dwelling unit conforms to the following standards.

1. The minimum requirement for habitable (excluding garage, storage areas, etc.) ground floor coverage for a single-family structure:

One-story (ranch)	960-sf.
One and a half story (cape cod)	750-sf.
Two-story	700-sf.
Split-level	900-sf.

2. Each dwelling unit shall have a minimum width across any front, side, or rear elevation of twenty (20) feet. Breezeways, garages, porches and other appurtenances shall not be considered part of the required twenty (20) feet.

3. Each such dwelling unit shall be firmly attached to a perimeter foundation constructed on the site with the same or similar perimeter dimensions of the dwelling.

4. Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

5. Each such dwelling unit shall be connected to a public sewer and water supply or to such private facilities approved by the Shiawassee County Health Department if public facilities are not available.

6. All homes shall have a roof overhang of not less than six (6) inches on all sides, or alternatively be equipped with window sills or roof drainage systems. The dwellings shall not have less than two (2) exterior doors with the second one being in either the rear or side of the dwelling. The slope of the roof pitch shall be at least three (3) on twelve (12).

7. Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a manufactured home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said manufactured house shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development.

B. The foregoing standards of this Section shall not apply to a manufactured home located in a licensed manufactured housing community except to the extent required by state or federal law or otherwise specifically required in this Ordinance. Manufactured homes that do not conform to the standards of this Section shall not be

used for dwelling purposes unless located within an approved manufactured housing community, or unless used as a temporary residence as otherwise provided in this Ordinance.

## **SECTION 406            ACCESSORY USES AND STRUCTURES**

- A.     Accessory structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.
1.     An accessory structure, including carports and garages, which are attached to the principal structure, shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
  2.     A detached accessory structure shall not be closer than ten (10) feet to any other structure on the lot or parcel.
  3.     No detached accessory structure shall be closer than ten (10) feet to any interior side or rear property or lot line.
  4.     Detached accessory structures are subject to all required front yard setback requirements applying to the principal building. No accessory structures other than those permitted elsewhere herein, shall be erected in the front yard between the principal structure and the right-of-way.
  5.     A detached accessory structure or detached accessory structures in total shall not exceed the first-floor area of the principal structure on site.
  6.     No detached structure accessory to a principal residential structure or use shall exceed seventeen (17) feet in height. Detached accessory structures for non-residential uses in non-residential districts may be constructed to equal the permitted maximum height of structures in said districts.
  7.     Accessory structures shall not be erected on a lot or parcel in a residentially zoned district prior to the establishment of a principal structure. Where two or more abutting lots are held under one ownership in a residentially zoned district, the owner may erect an accessory structure on a lot or parcel separate from that one which the principal structure is located, provided that both lots are used as one with a single tax description. The lots or parcels on which the principal and accessory structures are located shall be considered for purposes of this Ordinance to be one zoning lot. Division or transfer of ownership of the lot or parcel containing the accessory structure from the principal use is not permitted in that such action shall cause a violation of the Ordinance by permitting an accessory structure to exist without a principal use.
- B.     A swimming pool, whether above or below ground, shall be considered as an accessory structure for the purposes of determining location on property and required

yard spaces. A swimming pool, whether temporary or permanent, shall also require a zoning permit to be issued prior to installation. Additional standards include:

1. Swimming pools are to be fenced in accordance with the State Construction Code, as amended. Any required fencing pursuant to the State Construction Code shall also meet the standards and requirements under Section 408, herein and a zoning permit must to obtained.
  2. A swimming pool may be closer than the minimum required ten (10) separation between accessory structures if the other accessory structure is a deck or other structure intended to be associated with the swimming pool. The other accessory structure must be fenced in accordance with the State Construction Code requirements for fencing.
  3. A swimming pool shall not be used unless adequate public health measures are periodically taken to insure that the use thereof will not cause the spread of disease. The swimming pool shall be kept clean and the water used there shall be filtered and sterilized by chlorination.
  4. Seasonal swimming pools are to be removed by November 1<sup>st</sup> of each year.
- C. For provisions related to the implementation and use of the Outdoor Furnaces and On-Site Wind Energy Systems, please see Section 421 and 422, respectively.

## **SECTION 407 PERMITTED YARD ENCROACHMENTS**

- A. The minimum setback and yard requirements of this Ordinance are subject to the following permitted encroachments.
1. Terraces, patios, and similar accessory uses or structures not attached to a principal or accessory structure may project into a required side or rear yard provided that such uses or structures are without roofs and load bearing walls. Such structures or uses are not permitted in the required front yard setback.
  2. Enclosed and unenclosed roofed porches, decks, fire escapes, outside stairways and balconies attached to a structure shall be considered part of the structure to which they are attached and shall be subject to all principal and accessory structure yard requirements to which it is attached.
  3. Unenclosed porches, decks, fire escapes, outside stairways, and balconies without roofs that are attached to a structure and recreational structures affixed to the ground, may project or be located no closer than two (2) feet from the side or rear property line. Such structures are not permitted in the required front yard setback.

4. Architectural and utility elements, such as chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters, and similar features may project into any required yard a maximum of two (2) feet.

## **SECTION 408            FENCES, WALLS AND SCREENS**

- A. This Ordinance contains herein requirements for the screening and buffering of uses and structure from adjacent properties by use of landscaping, fencing and walls. Property owners may also voluntarily create screening and buffering from adjacent properties and uses for purposes of privacy and containment. All fences, walls and screening shall meet the following general standards unless otherwise permitted herein:
  1. Within the limits of the required front yard setback of a lot in a residential district, no fence, wall, or other non-living screening structure shall exceed four (4) feet in height. No such fence or wall located within a side or rear yard shall exceed six (6) feet in height. In a commercial, industrial, or research office district, no fence, wall, or other non-living screening structure shall exceed twelve (12) feet in height.
  2. On any corner lot in any district, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three (3) feet and ten (10) feet in an area measuring thirty (30) feet from the point of intersection of the street right-of-way lines and the tangent connecting the thirty (30) foot extremities of the intersecting right-of-way lines.
  3. Solid board fences shall be constructed with wood posts not less than four (4) inches by four (4) inches. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet on center. The finish side of every fence shall face away from the property on which it is located.
  4. Wrought iron, open mesh or slatted fencing, provided that the ratio of one (1) part open to six (6) parts of solid fencing is maintained.
  5. Masonry walls shall be designed and constructed so as not to modify natural drainage in such a way as to impact adjacent property. The outer face of such wall (the face away from the use that is to be screened) to be covered with brick, stone, embossed or pierced concrete block, or other decorative masonry material.
  6. Electrified or barbed wire, spikes, nails or similar on top or on the sides of any fence are prohibited unless otherwise prescribed herein. Such provision is not intended to prohibit traditional picket board fences. Barbed wire and barbed wire cradles may be placed on top of fences enclosing public utility buildings

or structures as deemed necessary in the interests of public safety by the Planning Commission.

7. Acceptable fencing material shall include wood, wood-like (plastic, vinyl, recycled material) and chain link. Woven wire or wire mesh and other similar types of agricultural fencing types are not permitted.
8. No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.

#### **SECTION 409 MOVING BUILDINGS/STRUCTURES**

- A. No structure within or outside of the City shall be relocated upon any parcel or lot within the City unless the following standards and conditions are met:
  1. A zoning permit must be applied for and approved establish that the relocated structure conforms to all requirements of the respective zoning district.
  2. No structure within the City shall be relocated, moved or demolished without inspection by the Building Inspector deeming such structure as safe and compliant with provisions of the State Construction Code.
- B. No structure being relocated to a parcel or lot within the City shall be placed or stored until the aforementioned zoning permit and compliance with the State Construction Code is determined.

#### **SECTION 410 HEIGHT REQUIREMENT EXCEPTIONS**

- A. The following are exempted from height limit requirements herein, provided that no portion of the excepted structure may be used for human occupancy or be at a height greater than necessary to accomplish the purpose for which it is intended to serve:
  1. Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and do not exceed seventy-five (75) feet in height.
  2. Those necessary appurtenances to mechanical or structural functions, such as chimneys, smokestacks, water tanks, elevators, grain legs, penthouses, ventilators, bulkheads, citizen band radio towers, masts and aeriels, television antennas, fire and hose towers, or other similar structures where the manufacturing process requires a greater height but do not exceed seventy-five (75) feet in height.

3. Those uses accounted for as a use permitted only by special land use approval where the height of such structure is governed by the special land use regulations.

#### **SECTION 411 ESSENTIAL SERVICES**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of this Ordinance.

#### **SECTION 412 TEMPORARY STRUCTURES AND USES**

- A. Temporary structures are permitted in all districts as described below and as authorized by a temporary zoning permit issued by the Zoning Administrator:
  1. A temporary structure for residential occupancy may be placed during renovation or replacement of a principal and permanent structure damaged by fire (or some other cause beyond the control of the owner) to the extent that it is no longer safe for human occupancy, as determined by the Building Inspector.
  2. A temporary housing permit may be issued to allow a mobile home less than twenty (20) feet in width or travel trailer to be placed on the property and outside of the right-of-way. The following standards and conditions are applicable:
    - a. Proposed water supply and sanitary facilities have been approved by the City DPW Director and/or the Shiawassee County Health Department.
    - b. All applicable dimensional requirements for setbacks, bulk and yard requirements within said district shall apply to temporary dwellings.
    - c. The temporary structure must be removed when repair of damage is complete, but in no case shall it be located on the lot or parcel for more than ninety (90) days. An extension for sixty (60) days may be granted if significant progress is being made or in the event of unforeseeable circumstances.
  3. Temporary structures incidental to construction of a commercial or industrial development, or a residential development having more than ten (10) dwelling units are permitted by application and approval of a zoning permit. Said temporary structure shall be removed within fifteen (15) days after construction is complete, but in no case shall the structure be allowed to

occupy the subject property for more than three-hundred and sixty-five (365) days.

4. No garage, barn, or accessory structure, or cellar, whether fixed or portable, shall be used or occupied as a dwelling. Travel trailers or motor homes may be occupied for a period not to exceed fifteen (15) days in one year unless in an approved travel trailer park or campground, unless found to be applicable under Item 1, above.

B. Temporary uses are permitted in certain districts as described below and as authorized by a temporary zoning permit issued by the Zoning Administrator:

1. The display and sale of Christmas trees in a commercial district, at a church or other institutional establishment, is permitted by a temporary zoning permit, provided it is incidental and accessory to the principal use. The temporary zoning permit for the display and sale on an open lot shall be valid for a period not to exceed forty-five (45) days.
2. Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the following conditions:
  - a. Any garage sale, rummage sale or similar activity shall be allowed without a temporary zoning permit for a period not to exceed four (4) days within a six (6) month period. Such activities in operation for a period of time in excess of four (4) days shall require a temporary zoning permit from the Zoning Administrator.
  - b. In no instance shall more than six (6) days of garage sales, rummage sales or similar activity be held in any one location within any twelve (12) month period.
  - c. All signs advertising a garage sale shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.
3. Outdoor display and sales of merchandise is permitted within a commercial district in accordance with Section 54-104 of the General Code of Ordinances for sidewalk displays and Section 821 herein for open air businesses. Such outdoor display and sales of merchandise shall only include merchandise customarily sold on the premises by a permanently established business on that parcel or lot.
4. Temporary real estate offices are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The permit shall be valid for not more than one (1) year, but is renewable.



## **SECTION 413      HOME OCCUPATION**

- A. A home occupation shall be permitted in all residential districts by zoning permit and conducted entirely within the dwelling, as defined herein. Home occupations shall satisfy the following conditions:
1. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the confines of the dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
  2. The home occupation shall only apply to the person who resides in the dwelling. No employees who do not reside at the premises are permitted.
  3. No outdoor storage shall be permitted.
  4. There shall be no change in the exterior appearance of the building or premises or other visible evidence of the conduct of such home occupation. An advertising sign is permitted pursuant to provisions provided in Article 14.
  5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected for a single-family dwelling. Any need for parking generated by the conduct of such home occupation shall be met off-street in a typical residential driveway of sufficient size.
  6. The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts.
  7. Limited retail sales may be permitted on the premises, as an incidental, rather than principal activity of a home occupation. No advertising of the retail sale of foods or services produced or sold on the premises is permitted in newspaper, radio, television or other media.
  8. The home occupation shall not occupy more than twenty-five percent (25%) of the gross floor area of one floor of said dwelling unit.
  9. No exterior entrances directly to the space allocated for the home occupation shall be permitted. The entrance to the space allocated for the home occupation shall be from within the dwelling.
  10. The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous materials.

11. There shall be no equipment or machinery used in connection with a home occupation which is industrial in nature, such as automobile repair, engine repair, machining, fabrication or similar and like processes.
12. Limited visits by customers shall be limited to the hours of 8:00 A.M. to 8:00 P.M.

#### **SECTION 414 MAINTENANCE OF JUNK PROHIBITED**

It shall be unlawful to have, possess, or maintain junk or inoperable or abandoned motor vehicles on any property in the City, unless otherwise permitted herein by special land use approval.

#### **SECTION 415 REGULATIONS OF OTHER AGENCIES**

- A. All zoning permits, site plans, special land uses, Planned Unit Developments, site condominiums, plats and other development projects shall conform with the provisions of this Ordinance and the regulations and standards of all local, county, state and federal agencies and regulations having jurisdiction.
  1. These agencies include, but are not limited to, the following:
    - a. Shiawassee County Drain Commissioner
    - b. State Construction Code
    - c. State Fire Marshall and local Fire Code.
    - d. Shiawassee County Soil Erosion and Sedimentation Ordinance
    - e. Michigan Department of Environmental Quality
    - f. Shiawassee County Health Department.
    - g. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
  2. The Zoning Administrator shall not issue a zoning permit for any land use which requires a county, state, or federal permits, until such permits have been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits.

**SECTION 416            CONDOMINIUM SUBDIVISIONS**

- A.     A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district shall be considered in accordance with State of Michigan Public Act 59 of 1978, as amended.
- B.     A condominium is a method of division of property or land, and a method of transferring ownership. All condominium structures and units shall comply with applicable regulations pursuant to the underlying zoning district and corresponding dimensional requirements in the schedule of regulations for that district.
- C.     A condominium shall be considered a site plan, unless otherwise provided herein, for purposes of review and approval. All information requirements pursuant to site plan review process and procedure found herein are applicable.
- D.     A site condominium subdivision is subject to the general standards and regulations required of a plat by this Ordinance and other ordinances of the City.

**SECTION 417            CONTINUED CONFORMANCE WITH REGULATIONS**

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements for a building or use specified within this Ordinance, including those standards and conditions established through site plan and special land use review and approval shall be a continuing obligation of the owner of such building or property on which such building or use is located.

**SECTION 418            PREVIOUSLY APPROVED SITE PLANS & SPECIAL LAND USES**

- A.     Nothing in the Ordinance shall require changes to site plans or special land uses approved under previous version of the Ordinance, except where construction of structures and/or installation of use as approved under previous site plan or special use permit procedure has not been commenced within one-hundred eighty (180) days after the effective date of this Ordinance and the buildings, structures and/or installation of use shall be completed as authorized within two (2) years after the date of adoption of this Ordinance.
- B.     If commencement or completion has not been achieved within the time specifications listed above, the site plan and special use permit shall automatically be null and void. A petition for site plan or special land use approval under this Ordinance is required to commence, complete or receive a certificate of occupancy.

**SECTION 419            STRUCTURAL DAMAGE**

Any structure or building which may be in whole or in part destroyed by fire, windstorm, or other such cause, if rebuilt, shall be rebuilt in accordance with this Ordinance, except as otherwise permitted in this Ordinance, or shall be restored to a safe and healthy condition with all debris removed from the site within one-hundred and eighty (180) days from the occurrence of such damage. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

**SECTION 420            AIRPORT LAYOUT AND/OR APPROACH PLAN.**

The guidelines set forth in airport layout and approach plans on file with the Zoning Administrator shall be utilized in the review and approval of zoning permits, site plans, special land uses, variances, appeals and interpretations, and amendment to the Ordinance.

**SECTION 421            OUTDOOR FURNACES**

- A. Due to the potential impact on the public health, safety and welfare of the citizens of the City caused by emissions of smoke and particulates in a populated area (See “Model Ordinance for Outdoor and Open Burning- A guide for Michigan Counties, Cities, Villages and Townships” produced by the Michigan Department of Environmental Quality, September 2006), the following provisions shall apply to outdoor wood/corn burning furnaces/boilers (“Outdoor Furnaces”):
  - 1. Outdoor Furnaces are permitted as an accessory structure and use to single-family residential structures located in the RO, Residential/Open Space District. All appropriate zoning, building, and trade permits are required prior to installation.
  - 2. The Outdoor Furnace shall be listed by the Underwriters Laboratories, Inc. (UL) and shall only utilize fuels as recommended by the manufacturer of the furnace. The use of trash, plastics, gasoline, oil, rubber, garbage, petroleum treated products, pressure treated wood, leaves, paper products, cardboard, etc. are prohibited.
  - 3. The following setbacks in addition to those required for typical accessory structures are required for locating an Outdoor Furnace on an appropriately zoned property within the City:
    - a. An Outdoor Furnace shall be located no closer than one-hundred (100) feet to any residential or commercially zoned or utilized property.
    - b. An Outdoor Furnace shall be located no closer than two-hundred (200)

feet to any property zoned or used for assembly purposes, including but not limited to a school, church, public park, etc.

4. The chimney or smokestack shall be no less than two (2) feet greater in height than the greatest eave height of a residentially or commercially occupied structure within two hundred (200) feet of the Outdoor Furnace, including the principal structure where such outdoor furnace is accessory.

## **SECTION 422 ON-SITE WIND ENERGY SYSTEM**

A. On-site consumer-based, non-utility wind tower/generator/turbines (“Wind Energy System”) are permitted as an accessory use and structure in the City subject to the following provisions and issuance of all appropriate zoning, building, and trade permits:

1. A Wind Energy System shall not exceed a height of more than seventy-five (75) feet as measured from ground level at the base of the structure to the maximum height of any portion of the structure, such as the full extension of a vertical blade.
2. A Wind Energy System shall be setback no less than one (1) and a half (½) times the height of the maximum height of any portion of the structure from any property line.
3. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.
4. An Wind Energy System shall employ automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection.
5. The Wind Energy System shall be maintained in suitable working order and condition to limit noise and flying debris that would effect the personal use and enjoyment of adjacent property. The system shall not cause noise in excess of a normal conversation beyond an adjoining property line.
6. A Wind Generator shall comply with all applicable state construction codes and comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.) and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.) where applicable. An interconnected Wind Generator shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

Page Intentionally Left Blank