
Article 7.14 General Provisions

7.14.01 Purpose

The purpose of this article is to establish regulations and conditions that are generally applicable to all districts of this Ordinance unless otherwise indicated. It is to provide uniform regulations applicable within the City of Lapeer that supplement the specific requirements for each district, and each use.

7.14.02 General Exceptions – Uses

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, no new use or change shall be made or maintained of any building, structure or land, or part thereof, and no lot shall be created or modified except in conformity with the provisions of this ordinance. This requirement will not infringe on the rights of nonconforming lots, structures or uses outlined in Article 21 of this ordinance.

The following are exceptions to the use regulations of the district regulations of this ordinance.

(a) **Essential Services**

Essential services serving the City of Lapeer shall be permitted as authorized and regulated by law and other ordinances of the municipality and shall not require zoning approval. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the City of Lapeer are permitted as a special land use as identified in the district regulations of this ordinance.

(b) **Voting Place**

The provisions of this ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

7.14.03 General Exceptions – Dimensional Requirements

The following are exceptions to the dimensional requirements of the district regulations of this ordinance.

(a) **Height Limit**

- (1) The height limitations in Articles 3 – 12 of this ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a Special Land Use.

- (2) Antennas, (excluding satellite dish antennas) in residential districts accessory to a residential use may be constructed to a height of thirty-five (35) feet provided the structure is located so that the base of the structure is no closer to any property line than the height of the structure. No such structure shall be placed in a front yard.

(b) **Lots Adjoining Alleys**

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area and setback requirements of this ordinance, one-half ($\frac{1}{2}$) the width of such alley abutting the lot shall be considered as part of such lot.

(c) **Porches, Walks and Terraces**

- (1) An open, unenclosed and uncovered porch, paved terrace or wood deck may project into a required front or rear yard for the distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit a fixed roof.
- (2) Any walk, terrace or other surface servicing a like function, and not in excess of twelve (12) inches above the grade upon which placed, shall, for the purpose of this ordinance, not be considered to be a structure, and shall be permitted in any required yard.

(d) **Projections Into Yards**

Architectural features such as cornices, eaves, gutters, fire escapes, fire towers, chimneys, platforms, and balconies, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

(e) **Access Through Yards**

For the purpose of this ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards.

(f) **Lots Having Water Frontage**

Those residential lots or parcels having water frontage and abutting a public thoroughfare shall maintain the yard on the water side as an open unobscured yard. Accessory structures shall be permitted in the setback between the abutting road right-of-way and the main building providing the front yard setback required in this ordinance is met.

(g) **Side Yard Exceptions**

On legal non-conforming lots that do not meet the minimum lot width requirements of this ordinance, the side yard setback may be reduced based on the ratio that the lot width is below that required. Example: a lot is eighty (80) feet wide in a district that requires one

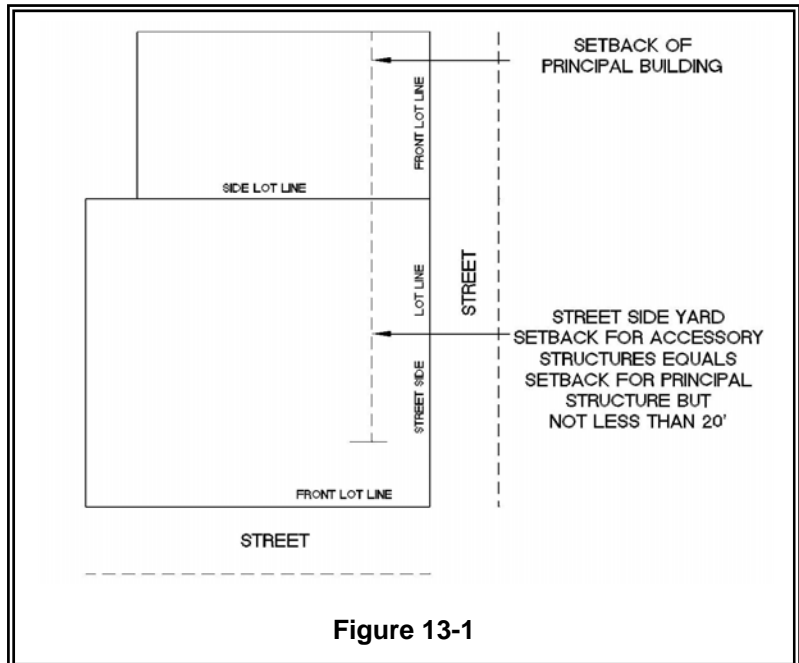
hundred (100) feet of width or 80% of the requirement. The minimum side yard setback may be reduced to 80% of the requirement. In no case shall a side yard be reduced to less than five (5) feet under the terms of this exception.

7.14.04 Accessory Buildings and Uses

Accessory buildings and uses, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

- (a) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to the main building.
- (b) Accessory buildings shall not be erected in any minimum side yard setback nor in any front yard, except detached buildings accessory to a residential buildings, which may be located in the side yard provided it shall be setback at least three (3) feet from any side lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.
- (c) A building accessory to a residential building shall not occupy more than 25% of a required rear yard the combined areas of accessory buildings shall not exceed the ground floor area of the main building.
- (d) No detached building accessory to a residential building shall be located closer than ten (10) feet to any main building.
- (e) No detached accessory building in R-1 through R-3, RM-1, RM-2, MHP, OS-1 and P-1 Districts shall exceed one (1) story or fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said district.

- (f) When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than twenty (20) feet to a street right-of-way line.



- (g) A resident of a dwelling unit may have not more than one (1) motorized vehicle for sale on the site of such dwelling unit at any time and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles. A resident may repair vehicles of the resident on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicles of other than a resident of the dwelling unit on said property. In no instance shall vehicles for sale be displayed or repaired in a front yard other than on the driveway portion of such yard.
- (h) Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.
- (i) Wind generators may be permitted as an accessory use when the following conditions are met:
- (1) Wind generators may be permitted in the rear yards of residentially zoned property provided:
 - a. The highest point of any portion of the generator shall not exceed thirty-five (35) feet above the average grade of the lot.
 - b. The generator device shall be placed no closer to any side or rear lot line than the total distance between the grade of the lot at the base of the tower and the highest point of any portion of the generator.
 - c. The maximum diameter formed by a circle encompassing the outermost portions of the blades or other wind activated surfaces shall not exceed 30% of the distance between the ground and the highest point of any portion of the wind generator. The generator shall be so located that no portion of the structure would penetrate the vertical plane of any adjacent property line if it were to topple over in its normally assembled configuration.
 - d. The construction of the tower's blades, base structure, accessory building and wiring shall meet all applicable local building codes and ordinances.
 - (2) Wind generators may be permitted in the on the roofs of principal structures of any property provided:
 - a. Height: The height of a structure mounted wind generator shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
 - b. Setback: The setback of the structure mounted wind generator shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the structure mounted wind generator is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts.
 - c. Location: The structure mounted wind generator shall not be affixed to the wall on the side of a structure facing a road.

- d. Quantity: No more than three (3) structure mounted wind generator shall be installed on any parcel of property.
 - e. Separation: If more than one structure mounted wind generator is installed, a distance equal to the height of the highest structure mounted wind generator must be maintained between the furthest outward extension of any moving part of each structure mounted wind energy system.
- (3) Wind generators may be permitted in the rear yard, or non-required front or side yard of a commercial or industrially zoned property provided:
- a. The highest point of any portion of the generator shall not exceed sixty-five (65) feet above the average grade of the lot.
 - b. The generator device shall be placed no closer to any side or rear lot line than the total distance between the grade of the lot at the base of the tower and the highest point of any portion of the generator.
 - c. The maximum diameter formed by a circle encompassing the outermost portions of the blades or other wind activated surfaces shall not exceed 30% of the distance between the ground and the highest point of any portion of the wind generator. The generator shall be so located that no portion of the structure would penetrate the vertical plane of any adjacent property line if it were to topple over in its normally assembled configuration.
 - d. The construction of the tower's blades, base structure, accessory building and wiring shall meet all applicable local building codes and ordinances.
- (j) Satellite reception antenna may be permitted as an accessory use in any district subject to the following conditions.
- (1) **Roof Mounted - Residential Districts**
- a. The dish portion of roof mounted satellite reception antenna shall not exceed a diameter of three (3) feet.
 - b. Satellite reception antenna shall be mounted directly upon the roof of the main or accessory building and shall not be upon appurtenances such as chimneys, towers, or poles.
 - c. Satellite reception antenna shall not exceed a height of more than three (3) feet above the roof on which it is mounted.
 - d. Satellite reception antenna shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.
 - e. Satellite reception antenna shall be bonded to a grounding rod.
- (2) **Roof Mounted - Nonresidential Districts**
- a. The dish portion of roof mounted satellite reception antenna shall not exceed a diameter of eight (8) feet.
 - b. Satellite reception antenna shall not exceed the maximum height of structure requirements for the district in which it is located.
 - c. Satellite reception antenna shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.

- d. Satellite reception antenna shall be bonded to a grounding rod.

(3) Ground Mounted - Residential Districts

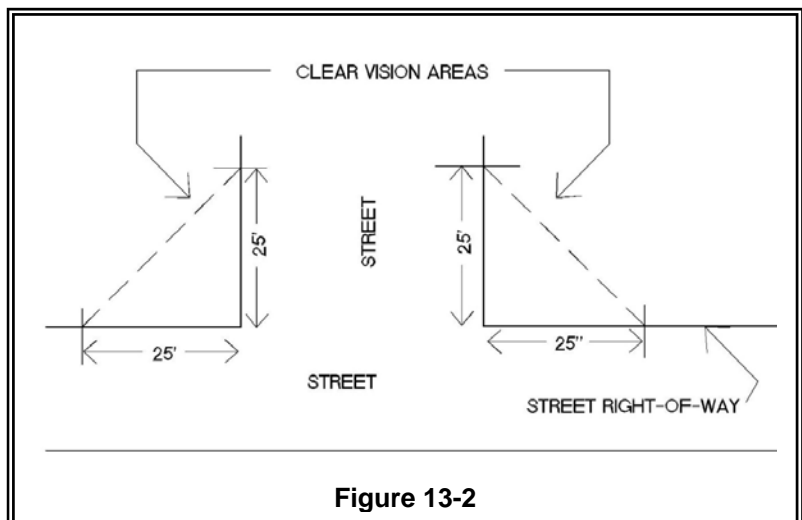
- a. No satellite reception antenna, including its concrete base slab or other substructures shall be constructed less than ten (10) feet from any property line or easement.
- b. No satellite reception antenna shall be linked, physically or electronically, to a receiver which is not located on the same zoning lot as is the satellite reception antenna.
- c. A satellite reception antenna shall not exceed a height of sixteen (16) feet.
- d. Wiring between a satellite reception antenna and a receiver shall be placed at least four (4) inches beneath the surface of the ground within rigid conduit.
- e. Such satellite reception antenna shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.

(4) Ground Mounted - Nonresidential Districts

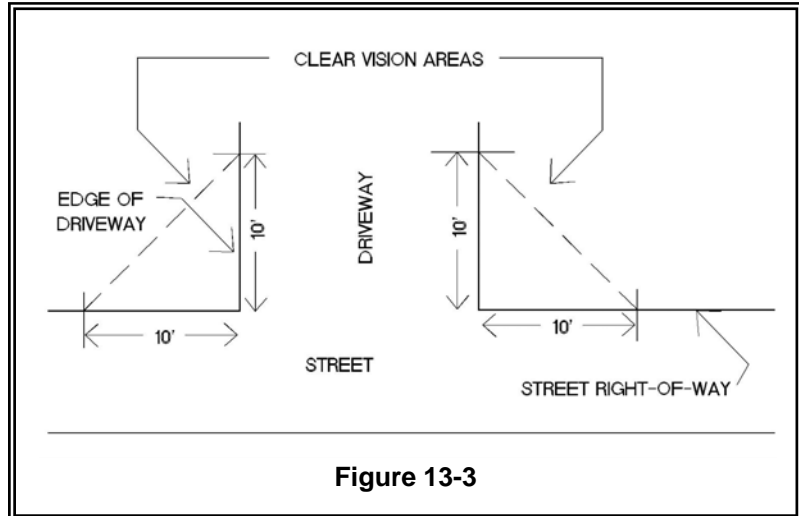
- a. No satellite reception antenna, including its concrete base slab or other substructure, shall be constructed less than five (5) feet from a property line or easement.
- b. No satellite reception antenna shall be linked, physically or electronically, to a receiver which is not located on the same zoning lot as is the satellite reception antenna.
- c. A satellite reception antenna shall not exceed a height of sixteen (16) feet.
- d. Wiring between a satellite reception antenna and a receiver shall be placed at least four (4) inches beneath the surface of the ground within a rigid conduit.
- e. Such satellite reception antenna shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.
- f. A satellite reception antenna must be bonded to a grounding rod.

7.14.05 Corner Clearance

- (a) No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.



- (b) No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way line with a driveway by a straight line drawn between said right-of-way lines and the edge of the driveway at a distance along each line of ten (10) feet from their point of intersection.



7.14.06 Frontage on a Public Street

No lot shall be used for any purpose permitted by this ordinance unless said lot abuts a public street, unless otherwise provided for in this ordinance.

7.14.07 Private Swimming Pools and Hot Tubs

- (a) **Location.** Private swimming pools and hot tubs shall be permitted as an accessory structure to the rear or side of the principal structure in residential districts, provided that pools in the side yard shall be screened with landscaping or natural vegetation such that they cannot be seen from the road. Pools and hot tubs shall not be located in any road or utility right-of-way or easement.
- (b) **Setbacks.** Private swimming pools shall be located no closer than ten (10) feet to any side or rear property line and no closer than ten (10) feet to any building on the same parcel.
- (c) All swimming pools shall be subject to the requirements in the Michigan Residential Code, including requirements regarding fencing.
- (d) Swimming pools located on lots with vacant homes shall be drained, and proper fencing maintained.

7.14.08 Required Water Supply and Sanitary Sewerage Facilities

After the effective date of this ordinance, no structure for human occupancy shall be erected, altered, or moved upon any lot or premises and used in whole or in part for dwelling, business, industrial, or recreational purposes unless it shall be provided with a safe potable water supply and with a safe and effective means of collection, treatment, and disposal of human excrement and

domestic, commercial and industrial wastes. All such installations and facilities shall conform to the minimum requirements of the City of Lapeer.

7.14.09 Open Storage and Outdoor Display

- (a) Open storage of building material, contractor's equipment and supplies and other similar material may be permitted by the Planning Commission at site plan review provided an obscuring wall or fence screens the material from view of the street or adjacent parcels.
- (b) Outdoor display of material for sale may be approved by the Planning Department by issuance of a zoning permit as an accessory use to the principal use provided the following conditions apply. Any variances from these requirements must be approved by the Zoning Board of Appeals.
 - (1) Approval must be applied for annually, although such approval may be for more than a single event per calendar year.
 - (2) The display of the materials is accessory to the principal use.
 - (3) Provisions are taken to prevent the blowing of trash or loosely packed materials.
 - (4) Display areas shall consist of a permanent, durable and dustless surface and shall be graded and drained to dispose of storm water without a negative impact on adjacent property.
 - (5) Outdoor display may not occupy required parking spaces. Display areas within parking lots shall have fencing, railing or similar equipment to delineate the display area from the parking area.
 - (6) No outdoor display shall be permitted in the required front, side or rear yard setbacks for principal buildings for the district in which the outdoor display is located.
 - (7) The Planning Department may limit the height that materials may be stacked in order to maintain clear vision and protect customers from falling material.
 - (8) The Planning Department may require annual review of a site to ensure that conditions of approval and these requirements are met.