

ARTICLE 7.16 - GENERAL EXCEPTIONS

A. AREA, HEIGHT AND USE EXCEPTIONS:

The regulations in this Ordinance shall be subject to the following interpretations and exceptions.

B. ESSENTIAL SERVICES:

Essential services serving the City of Lapeer shall be permitted as authorized and regulated by law and other ordinances of the Municipality. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the Municipality shall receive the review and approval, after a public hearing, held in accordance with ARTICLE 7.18, Section I of the Board of Appeals, Such review of the Board of Appeals shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the City.

C. 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.

D. HEIGHT LIMIT:

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

Antennas, (excluding satellite dish antennas) in residential districts 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.

E. LOT AREA:

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted in the district which such lot is located, other than conditional uses for which special lot area requirements are specified in this Ordinance, whether or not such lot complies with the lot area and width requirements of this Ordinance. Such use may be made provided that all requirements other than lot area and width prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

F. 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 (2) the width of such alley abutting the lot shall be considered as part of such lot.

G. YARD REGULATIONS:

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

H. PORCHES:

An open, unenclosed and uncovered porch, paved terrace or wood deck may project into a 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.

I. PROJECTIONS INTO YARDS:

Architectural features, 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.

J. 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. Further, 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.

K. 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, excepting that a covered and/or uncovered boat well shall be permitted after review and approval of plans by the Zoning Board of Appeals. 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 ARTICLE 7.15 Section A of this Ordinance is met.