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# Article 14 GENERAL PROVISIONS

## Section 14.01 INTENT AND PURPOSE

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations, or standards in addition to the requirements of the zoning district in which they are permitted to be located. The following general provisions establish regulations, which are applicable to all zoning districts.

## Section 14.02 KEEPING OF ANIMALS

A. **Wild Animals:** No wild animal shall be kept permanently or temporarily in any district in the Village except in an AAZPA (American Association of Zoologies, Parks and Aquariums) accredited facility.

B. **Livestock:** The raising and keeping of livestock or other animals generally not regarded as household pets, and which do not meet this Ordinance's definition for "wild animal," may be conducted as accessory to the principal residential use of a lot of five (5) acres or larger in the Natural Resources District except in platted subdivisions or condominium subdivisions. All such raising and keeping or killing and dressing of poultry and animals processed upon the premises shall be for the use or consumption by the occupants of the premises in the Natural Resources District and the following additional conditions shall be met.

1. Animals shall be owned and managed by the occupants of the premises.
2. The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.
3. No storage of manure, odor or dust producing materials or use shall be permitted within one hundred (100) feet of any adjoining lot line.
4. Animal density shall not exceed 1.4 animal units per acre.
5. Operations with 25 animals or more shall comply with Generally Accepted Agricultural and Management Practices (GAAMP) issued by Michigan Department of Agriculture.

### C. **Household Pets:**

1. Dog runs and pens are restricted to the back yard and must be ten (10) feet from all lot lines. fencing shall comply with all requirements in **Section 23.09 Fencing, Walls, and Retaining**

Walls of this ordinance.

*add unless a 6' obscur fence is constructed to separate the pen or run from adj prop. All dog pens + runs shall be kept free of feces, can bags, & other waste materials*

## Section 14.03 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village, it being the intention hereof to exempt such essential services from the application of this Ordinance, except public facilities and communication towers separately regulated by Article 16: Special Land Use Standards.



### **Section 14.04 SWIMMING POOLS**

1. **Classification:** A swimming pool shall be considered as an accessory building for the purposes of determining required yard spaces and maximum lot coverage.
2. **Application:** The application for a zoning permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates and other detailed information affecting construction and safety measures deemed necessary by the Zoning Administrator.
3. **Fencing:** Yard areas with pools are to be fenced to discourage unsupervised access.
  - A. Such fencing is to be a minimum of six (6) feet high and equipped with a self-closing and self-latching gate.
  - B. Latching devices are to be located at a minimum height of four (4) feet above the ground.
  - C. Such fencing may be omitted where building walls without doorways abut the pool area, provided that the entire remaining perimeter of the pool area is fenced.
4. **Sanitation:** Any swimming pool shall not be used unless adequate public health measures are periodically taken to ensure that the use thereof will not cause the spread of disease. Owners shall comply with State and County Health Department standards.
5. **Placement:** No swimming pool shall be located in an easement or required front yard.
6. **Lighting:** No lights shall be erected, operated, or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.
7. **Overhead Wiring:** Service drop conductors and any other overhead wiring shall not be installed above a swimming pool.

### **Section 14.05 MOVING BUILDINGS**

No existing building or other structure within or outside of the Village shall be relocated upon any parcel or lot within the Village unless the building design and construction are compatible with the general architectural character, design and construction of other structures located in the immediate area of the proposed site; the building and all materials therein are approved by the County Building Inspector; and the building or structure can be located upon the parcel and conform to all other requirements of the respective zoning district.

### **Section 14.06 TEMPORARY USES AND NONRESIDENTIAL BUILDINGS AND STRUCTURES**

Temporary uses and nonresidential buildings and structures may be located on a lot or parcel of record and occupied only under the following conditions as authorized by a temporary zoning permit issued by the Zoning Administrator:

#### **A. Application, Permit, and Conditions:**

1. **Application:** The applicant shall submit a completed application to the Zoning Administrator who may approve, modify, condition, or deny the permit. Action on the application shall be based upon the approval standards of Section 18.06(A)(2). The Zoning Administrator may refer the application to the Planning Commission for action.
2. **Standards of Application Approval:**
  - a. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
  - b. The use shall not be typically located within a permanent building or structure.

- c. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
- d. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
- e. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
- f. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
- g. All applicable provisions of Section 18.06(B) have been met.

**3. Permits:**

- a. The Zoning Administrator may impose conditions with the issuance of the permit, which are designed to ensure compliance with the requirements of this Ordinance.
- b. A written temporary zoning permit will be issued for all approved temporary uses and nonresidential buildings and structures, and shall contain the following information:
  - 1. The applicant's name.
  - 2. The location and effective dates of the temporary use.
  - 3. Conditions specified by which the permit was issued, such as use and placement of signs, provision for security and safety measures, control of nuisance factors, and submission of performance guarantee.
  - 4. Signature of the Zoning Administrator on the permit.
- c. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued there under.
- d. Permits which are renewable shall have an application filed for renewal at least fifteen (15) days prior to the expiration date of the current permit, except those applications for renewal or extension of a permit for less than fifteen (15) days may be applied for no later than three (3) days prior to the expiration date of the current permit.

- 4. **Performance Guarantee:** The Zoning Administrator shall require a performance guarantee in the form of cash, check or savings certificate be deposited with the Village Clerk in an amount equal to the estimated cost of removing any temporary structure authorized under this Section should it not be removed by an applicant at the end of an authorized period. The applicant shall similarly sign an affidavit holding the Village harmless against any claim for damages if the Village were to subsequently use the performance guarantee to remove the temporary structure after the terms and conditions of the temporary zoning permit have been returned when all the terms and conditions of the temporary zoning permit have been met and the temporary use or structure has been removed.

**B. Permitted Temporary Buildings, Structures, and Uses:** The following temporary buildings, structures, and uses are permitted upon issuance of a temporary zoning permit according to the provisions of 18.06 (A) and the following conditions.

**1. Construction Buildings and Structures:**

- a. **Fire Damage:** Temporary buildings and structures are permitted incidental to construction work during renovation of a permanent building damaged by fire. The

temporary building or structure must be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than ninety (90) days.

- b. **New Construction:** Temporary buildings and structures are permitted incidental to construction work, except for the construction of single-family dwellings, and shall be removed within fifteen (15) days after construction is complete. In no case shall the building or structure be allowed more than twelve (12) months unless expressly authorized after petition to the Zoning Board of Appeals.
2. **Churches & Schools:** Temporary buildings incidental to a church or school are permitted provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Inspector, and by relevant state agencies.
3. **Christmas Tree Sales:** The display and sale of Christmas trees in a Commercial District, or at a church or campground, is permitted by a temporary zoning permit, provided it is incidental and accessory to the principal use, except that a temporary zoning permit is not necessary for Christmas tree sales, where a nursery is permitted by right or by special land use approval.
4. **Temporary Real Estate Offices:** 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. The office shall be removed upon completion of the development of the project. A model home may be used as a temporary sales office.
5. **Auctions:** The public sale of property to the highest bidder shall be permitted on a parcel or lot for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way.
6. **Sawmills (portable):** Sawmills shall be used for the cutting and use of the trees from only that parcel or lot for which the temporary zoning permit is issued. The sawmill shall not be located closer than five hundred (500) feet to a dwelling unless that of the owner. The permit shall be valid for six (6) months but may be renewed.
7. **Firewood Sales:** Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards. A temporary zoning permit is required for firewood sales in the Forestry District only.
8. **See 16.09** – Special events at Private stables
- C. **Garage Sales:** 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:
1. Any single garage sale, rummage sale or similar activity in operation for a period of time in excess of three (3) days shall require a temporary zoning permit from the Zoning Administrator.
  2. In no instance shall more than four (4) garage sales, rummage sales or similar activity be held in anyone (1) location within any twelve (12) month period, unless a special permit is acquired.

*space*

3. All such sales shall be conducted a minimum of twenty-five (25) feet from the front lot line and fifteen (15) feet from a side lot line.
4. No garage sale or similar activity shall be conducted before 8:00 am or continue later than 9:00 pm.
5. All signs advertising a garage sale shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.

D. **Habitation of Accessory Structures and Travel Trailers:** No garage, barn, or accessory buildings, or basement, 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 (1) year unless in an approved travel trailer park or campground.

#### **Section 14.07 TEMPORARY DWELLINGS**

- Spence*
1. The Village Zoning Administrator may issue a temporary zoning permit for mobile homes, subject to the following limitations and procedures:
    - A. **Emergency Housing:** When a dwelling is destroyed by fire, collapse, explosion, acts of God, or acts of public enemy to the extent that it is no longer safe for human occupancy, as determined by the Village of Sterling Zoning Administrator, and/or the Arenac County Building Inspector and Condemnation Officer, a temporary zoning permit may be issued to allow a mobile home less than twenty (20) feet in width to be placed on the property upon the request of the owner. Said permit shall be in effect for no more than six (6) months, any extension must be approved by the Zoning Board of Appeals who may grant the same for a period of not more than one (1) year during which time a permanent dwelling shall be erected on the property.
  2. A temporary zoning permit for a mobile home shall not be granted, for any reason, unless the Zoning Administrator finds:
    - A. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three hundred (300) feet of the parcel intended to be the location of the temporary dwelling.
    - B. Proposed water supply and sanitary facilities have been approved by the County Health Department.
    - C. The temporary dwelling conforms with all setback and other dimensional requirements within said district.
  3. A performance guarantee may be required by the Zoning Administrator from the property owner prior to placing a mobile home for temporary use, to ensure removal of the mobile home at termination of the permit.
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#### **Section 14.08 ACCESSORY USES, BUILDINGS, AND STRUCTURE**

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

- A. **Attached:** An accessory building, including carports, which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.
- B. **Separation Distance:** An accessory building or structure, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot, except that an outdoor kitchen or other structure used for cooking outside of the principal structure may be closer than ten (10) feet to any other structure on the lot, as long as the outdoor kitchen or other structure used for cooking outside of the principal structure does not involve the burning of combustible materials such as wood or charcoal, does not involve the use of a

chimney, and is installed, located, and used in compliance with all applicable local, state, and federal building, electrical, mechanical, plumbing, and safety codes, laws, and regulations.

- C. **Placement:** Except for fences, accessory buildings and structures are subject to all setback requirements from the street applying to the principal building. Except for outdoor kitchens and other structures used for cooking outside of the principal structure, gazebos, docks, boathouses, and pump houses on waterfront lots, accessory buildings shall not be erected in the front yard. An outdoor kitchen or other structure used for cooking outside of the principal structure shall not be closer than ten (10) feet to any interior side or rear lot line, and, except for fences, all other accessory buildings or structures shall not be closer than five (5) feet to any interior side or rear lot line.
- D. **Living Space:** An accessory building can be converted or utilized for living space for the primary dwelling with an approved zoning permit. It cannot be used as a separate dwelling unit.
- E. **Lot Coverage:** An accessory building or structure shall not occupy more than thirty (30) percent of the area of any rear yard and in no instance shall the accessory building or structure exceed the ground floor area of the principal building, except that an accessory building or structure may occupy up to fifty (50) percent of the area of any rear yard if it is a nonconforming lot of record, and side and rear yard setbacks are met.
- F. **Height:** An attached garage roof cannot be higher than the principal building height. No detached residential accessory building or structure shall exceed one (1) story or seventeen (17) feet in height as measured from grade to peak of the roof. Detached accessory buildings incidental to other uses may be constructed to equal the permitted maximum of structures in said districts, subject to Zoning Board of Appeals approval if the building exceeds one (1) story or seventeen (17) feet in height as measured from grade to the peak of the roof. This restriction shall not apply to the agriculturally related accessory structures on parcels greater than twenty (20) acres in size, or accessory structures allowed and controlled by special land use approval. (See also Section 18.14)
- G. **Not Permitted Prior to a Principal Structure:** Accessory buildings and structures shall not be erected on a lot or parcel in a residentially zoned district prior to the establishment of a principal structure, except for agricultural buildings. Where two (2) or more abutting lots are held under one (1) ownership in a residentially zoned district, the owner may erect an accessory building on a lot separate from that one, which the principal building is located, provided both lots are used as one (1) with a single tax description.
- H. **Quality:** All accessory buildings or structures shall be of similar or better quality than the principal dwelling. Temporary portable garage structures of any type are prohibited in any district.
- I. **Sheds:**
  - 1. If constructed on site, must be of similar quality and material of the primary structure and similar in material and color.
  - 2. Shall be two hundred (200) or less square feet in size.
  - 3. Two (2) sheds will be permitted per taxable property.
  - 4. Shall be permitted in the rear and/or side yards but not in front yards.
  - 5. Roof pitch shall be four (4) feet on twelve (12) feet run, or greater.

## **Section 14.09 ENERGY USES**

### **1. Wind Energy Conversion Systems (WECS):**

#### **a. Purpose**

- i. Village of Sterling promotes the effective and efficient use of Wind energy Conversion Systems with the minimum regulations on the siting, design, and installation of conversion systems so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized. In no case shall the provision of this ordinance guarantee the wind rights or establish access to the wind.

#### **b. Definitions**

- i. Wind Energy Conversion System (WECS) shall mean any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy.
- ii. Private WECS shall mean any ~~WECS~~ WECS that is accessory to a principal use located on the same lot and is designed and built to serve the needs of the principal use of existing structure.
- iii. Commercial WECS shall mean any WECS that is designed and built to provide electricity to the electric utility's power grid.

#### **c. Requirements**

WECS designed to service the energy needs of the property where the structure is located shall be allowed as an accessory structure in all districts, subject to the following requirements.

- i. Only one (1) WECS shall be permitted per principal residence.
- ii. The height of the overall WECS with the blade/rotor in the vertical position shall meet all safety and design standards.
- iii. All towers shall be set back at a distance at least equal to the height of the overall WECS from all lot lines. The height shall be measured to the top of the blade at its highest point.
- iv. All towers used to support the wind generating equipment shall be adequately anchored.
- v. The WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within eighty (80) percent of design limits of the rotor.
- vi. Noise emissions from the operation of a WECS shall not exceed forty-five (45) decibels on the DBA scale as measured at the nearest lot line or road.
- vii. To prevent unauthorized climbing, the WECS must include an anti-climbing device.
- viii. Any WECS not used for one (1) year or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property by the owner of the WECS. Failure to comply will be considered a civil infraction and will be subject to remedies stipulated in The Village of Sterling, Ordinance Number 98, Civil Infractions Ordinance. Extensions available at the discretion of the Zoning Administrator.
- ix. Liability Insurance: The owner or operator of the private or commercial WECS project shall maintain a current insurance policy with a bond rating acceptable to the Village to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of the permit approval. For private WECS projects accessory to a principal residence, proof of homeowners insurance with specific coverage for the WECS shall satisfy this requirement.

2. **Solar Energy Systems:** Solar energy systems designed to service the energy needs of the property where the structure is located shall be allowed as a structure addition with appropriate permits or an accessory structure in all districts, subject to the following requirements.
- a. Solar energy systems shall meet the requirements of this Section and all other applicable construction codes.
  - b. The design of the solar energy system shall conform to applicable industry standards.
  - c. Solar energy systems shall be inspected per the discretion of the Zoning Administrator.
  - d. Solar energy systems shall meet height and set back requirements of the zoning district in which they are located.
  - e. Solar energy systems shall be securely anchored to the ground or permanent structure.
  - f. A ground-mounted solar energy system shall comply with the accessory structure restrictions contained in the zoning district where it is located.
  - g. All exterior electrical and/or plumbing lines must be buried below the surface of the ground.
  - h. Any solar energy system not used for one (1) year or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property by the owner of the solar energy system. Failure to comply will be considered a civil infraction and will be subject to remedies stipulated in The Village of Sterling, Ordinance Number 31, Civil Infractions Ordinance. Extensions available at the discretion of the Zoning Administrator.

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**Section 14.10 ONE SINGLE-FAMILY DWELLING TO A LOT**

No more than one (1) single-family building may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

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**Section 14.11 PERMITTED YARD ENCROACHMENTS**

The minimum yard size and setback requirements of this Ordinance are subject to the following permitted encroachments.

- A. Buildings or structures shall be permitted to encroach no more than three (3) feet upon the minimum yard area and setback requirements of this Ordinance with architectural elements that are necessary to the integrity of the structure of the building, or health or safety of the occupants, such as cornices, eaves, gutters, chimneys, pilasters, outside stairways, fire escapes, and similar features.
- B. Attached terraces, patios, porches, and decks shall be permitted to encroach upon the minimum yard areas and setback requirements of this Ordinance with architectural elements that are necessary that the deck or paved area is no closer than ten (10) feet from a side or rear lot line. If the yard proposed to be encroached abuts a public street or private road, the principal structure setback shall be observed, and no encroachment is permitted.

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**Section 14.12 FRONT SETBACK REDUCTIONS AND INCREASES**

Any front setback area in any residential district may be reduced below the minimum requirements when the average front setback of existing principal buildings within two hundred (200) feet of a proposed principal building location are less than the minimum required, in which case the required minimum front setback shall be based on the established average. In no case shall a principal structure be offset to the rear of the established setback more than fifty (50) percent of the existing principal buildings within two hundred (200) feet of a proposed principal building location. Where the established setback is greater than the required minimum, the required setback for the proposed building shall be the average of the existing buildings. In all cases however, the front yard setback shall be increased by thirty-three (33) feet as measured perpendicular to and along the centerline of the abutting street where a public right-of-way has not been granted.

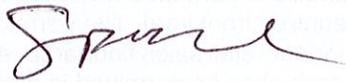
**Section 14.13 ALLOCATION OF LOT AREA & CONFIGURATION OF LOTS**

- 1. No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- 2. The depth of lots created in all zoning districts after the effective date of this Ordinance shall not be more than four (4) times longer than their width.
- 3. The creation of flag lots is greatly discouraged. Where there is no other way to gain access to undeveloped land due to limited street or road frontage, new flag lots may be permitted to be used, provided that the flag lot has at least twenty (20) feet of frontage on a public street, that this right-of-way serves only one (1) lot, and that there is at least a distance equivalent to the lot width of a

conforming lot between flag lots. The minimum front, side, and rear yard requirements of the district in which a flag lot is located must be met on the portion of lot excluding the right-of-way. (See Figure 2-4)

**Section 14.14 HEIGHT REQUIREMENT EXCEPTIONS**

1. The following are exempted from height limit requirements, provided that no portion of the excepted structure is used for human occupancy:
  - A. Those purely ornamental in purpose such as a church spires, belfries, cupolas, domes, ornamental towers, and monuments. In residential districts, areas of non-occupied ornamental structures shall be no higher than four (4) feet above the maximum building height requirements.
  - B. In non-residential districts those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, and monuments shall be decided on a case-by-case basis in the site development approval by the Village Planning Commission.
2. In a residential district area, flagpoles can be no higher than thirty-five (35) feet. In a commercial district the height shall be decided on a case-by-case basis in the site development approval by the Village Planning Commission or if added later by the Planning Commission.
3. Those structural extensions deemed necessary for appropriate building design such as cornices or parapet walls may extend a maximum of five (5) feet above height limitations and shall have no window openings.
4. Public utility structures, but not including communications towers, except upon receipt of a zoning permit.
5. Agricultural buildings and structures, such as barns, silos, elevators, and the like, provided they shall not exceed one hundred (100) feet in height.



**Section 14.15 CONDITIONAL APPROVALS**

1. **Conditions on Discretionary Decisions:** The Planning Commission, Zoning Board of Appeals, and Village Council may attach conditions to the approval of a site plan, special land use, variance, or other discretionary approval. Such conditions shall be based upon those standards in Section 18.16(2) and may be imposed to:
  - A. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
  - B. Protect the natural environment and conserve natural resources and energy.
  - C. Insure compatibility with adjacent uses of land.
  - D. Promote the use of land in a socially and economically desirable manner.
2. **Standards for Valid Conditions:** Conditions imposed shall meet all the following standards:
  - A. Be designed to protect natural resources, the health, safety, welfare, and the social and economic wellbeing of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - B. Be related to the valid exercise of the police power, and purposes, which are affected by the proposed use or activity.

- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- 3. **Record of Conditions:** Any conditions imposed shall be recorded in the record of the approval action.
- 4. **Subsequent Change of Required Conditions:** These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.
- 5. **Performance Guarantees:** Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.08.

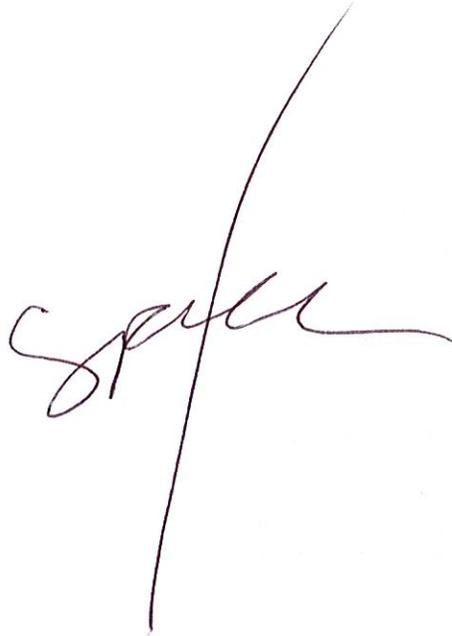
**Section 14.17 RESIDENTIAL SATELLITE ANTENNA DISHES**

Satellite dishes must meet the following conditions:

- A. One (1) satellite antenna dish per lot.
- B. All setback and height requirements for the district in which a satellite dish antenna is to be located shall be met by the satellite dish antennas.
- C. A satellite dish antenna shall not be placed in a front yard or in a manner that obstructs the view of any public right-of-way or intersection.
- D. The adopted rules of the Federal Communications Commission shall take precedence for antennae location when it can be proven that adequate reception cannot be received under provisions of this ordinance.

**Section 14.18 OUTDOOR STORAGE, SALES, AND MERCHANDISE DISPLAY**

- 1. Outdoor display and sales of merchandise is permitted within Commercial Districts provided such display area is not located within a required front yard. The permitted outdoor display area shall be twenty-five (25) percent of the use's indoor retail sales floor area, except a minimum of two hundred (200) square feet of outdoor display area shall be permitted in all cases but shall never exceed an area of eight hundred (800) square feet. These square feet area limitations shall not apply to the display and sales of motor vehicles, items intended for tow, boats, trailers, or live retail and wholesale landscape materials.
- 2. Excepting the display and sales of motor vehicles, items intended for tow, or live retail and wholesale landscape materials, and unless specifically noted otherwise elsewhere in this Ordinance, all storage of materials or products in commercial districts and Industrial districts shall be conducted within a completely enclosed building.
- 3. All machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks, or other materials, which are either discarded, unsightly, showing evidence of a need for repairs, or which encourages vermin, shall be completely screened by an opaque fence or wall of not less than six (6) feet in height.
- 4. In a residentially zoned district or on a lot used primarily for residential use, at no time shall there be commercial equipment stored, such as but not limited to: earth moving equipment, asphalt equipment, and trailers or any other equipment used for commercial purpose. Sales and merchandise shall not be permitted except as otherwise designated in this ordinance, excepting the sale of a personal vehicle, boat, or trailer on property owned by the seller on a lot with an established primary structure providing the personal vehicle, boat, and trailer meet all other portions of this or any other Village ordinance. At no time shall more than two (2) such items be placed for sale at any one time on the same lot. Items shall not be posted "for sale" for longer than 30 days in any given 12-month period.

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**Section 14.20 EARTH SHELTERED HOMES**

The bottom edge of an earth berm surrounding or abutting a wall or roof of a dwelling shall meet the height and setback requirements for the District in which it is located.

**Section 14.21 RECREATIONAL VEHICLE STORAGE**

1. The recreational vehicle must be currently registered and licensed with the owner or residence of the property and fully operational.
2. No more than one (1) recreational vehicle is allowed to be stored on a residential zoned property, providing:
  - A. It is stored within the confines of the side yard and not closer than five (5) feet from the side yard lines.
    1. In the case of a corner yard where the side yard abuts a street, storage shall not be permitted in the side yard. See **Section 2.02 Definitions "Frontage"** as defined in this Ordinance.
  - B. It is stored within the confines of the rear yard and not closer than five (5) feet from the rear side lot lines.
    1. In the case of a corner yard where the side yard abuts a street, it is stored within the confines of the rear yard and is not closer than ten (10) feet from the side yard lot line abutting the street. See **Section 2.02 Definitions "Frontage"** as defined in this Ordinance.
3. No recreational vehicle shall be stored on a commercial district zoned property except in the case of property approved for vehicle storage or sales.

**Section 14.22 RECREATIONAL EQUIPMENT STORAGE**

The recreational equipment must be currently registered and licensed with the owner or residence of the property and fully operational. See **Definitions: Section 2.02 "Recreational Equipment"** as defined in this Ordinance.

No more than two (2) pieces of recreational equipment can be stored on the property side or rear yard providing. No recreational equipment may be stored in the front yard.

- A. It is stored within the confines of the side yard and not closer than five (5) feet from the side yard lines. In the case of a corner yard where the side-yard abuts a street, storage shall not be permitted in the side yard. See **Definitions: Section 2.02 "Frontage"** as defined in this Ordinance.
- B. It is stored within the confines of the rear yard and not closer than five (5) feet from the rear and side lot lines. In the case of a corner yard where the side yard abuts a street, it is stored within the confines of the rear yard and is not closer than ten (10) feet from the side yard lot line abutting the street. See **Definitions: Section 2.02 "Frontage"** as defined in this Ordinance.
- C. Any recreational equipment stored on a trailer is considered one (1) recreational equipment and not to exceed four (4) pieces of recreational equipment per trailer, neatly arranged.
- D. No recreational equipment shall be stored on a commercial district zoned property except in the case of property approved for equipment storage or sales.

### **Section 14.23 RUBBISH**

- A. The storage or accumulation of junk, unstacked firewood, or refuse of any kind, except domestic refuse stored in a completely enclosed container is prohibited. Refuse containers shall not be stored in the front yard, adjacent to or in any road right-of-way, except for the purpose of refuse pick up and shall be removed promptly after pickup occurs.

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### **Section 14.24 DWELLINGS**

- 1. All dwelling units shall be reviewed by the Zoning Administrator subject to the following conditions:
  - A. Dwelling units shall conform to all applicable Village codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling.
  - B. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall should also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to material, construction, and necessary foundations below the front line. Any such wall shall also provide an appearance that is compatible with the dwelling and other homes in the area.
  - C. Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
  - D. Dwelling units shall be provided with roof pitch, roof design, and roofing material similar in appearance to the dwelling units on adjacent properties or in the surrounding residential neighborhood and shall have a roof pitch of not less than four (4) feet of rise for each twelve (12) feet or run.
  - E. Dwelling units shall be provided with an exterior building wall configuration, which represents an average width to depth or depth to width ratio, which does not exceed three (3) to one (1), or is in

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reasonable conformity with the configuration of dwelling units on adjacent property surrounding residential neighborhood and shall have a minimum width of two

- F. The dwelling shall contain storage capability in a basement located under the area, in closet areas, or in a separate structure of standard construction similar quality than the principal dwelling, which storage area shall be equal to ten square footage of the dwelling or one hundred (100) square feet, whichever is less.
- G. All dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Arenac County Health Department.
- H. Any such home shall be anchored by an anchoring system approved by the Village.
- I. The Zoning Administrator may request a review by the Planning Commission of any dwelling unit with respect to this section. The Zoning Administrator or Planning Commission shall not seek to discourage architectural variation but seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the Village at large. In reviewing any such proposed dwelling unit, the Zoning Administrator may require the applicant to furnish such plans, elevations, and similar documentation as deemed necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling units' consideration shall be given to comparable types of homes within three hundred (300) feet. If the area within three hundred (300) feet does not contain any such homes, the nearest twenty-five (25) dwellings shall be considered.
- J. The Planning commission in reviewing any such proposed dwelling unit with respect to items C, D and E above shall not seek to discourage architectural variation but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property of surrounding residential uses.

*al* **Section 14.25 ROADSIDE STANDS/FARM MARKETS** *Dept of*

- 1. All roadside stands/farm markets shall be regulated according to the Michigan ~~Commission on~~ Agriculture & Rural Development's Generally Accepted Agricultural and Management Practices (GAAMP) for Farm Markets.

**Section 14.26 ARTIFICIAL RESIDENTIAL PONDS**

- 1. Artificial ponds are permitted on lots of a minimum two (2) acre area in a Residential District upon the receipt of a Zoning Permit, subject to the following conditions:
  - A. The boundaries of the pond excavation are wholly within one (1) landowner's property.
  - B. Off-site drainage is not affected.
  - C. Ponds shall be setback at least twenty-five (25) feet from all lot lines and seventy-five (75) feet from all dwellings, septic tanks, and tile septic waste disposal fields.
  - D. The bottom and sides of the pond and excavation area shall not exceed slopes of 3:1 (three (3) feet horizontal to one (1) foot vertical).
  - E. Excavated materials in excess of five thousand (5,000) cubic yards may not be hauled off the site unless specific approval is granted by the Village through the issuance of a special use permit for excavation activities.
  - F. A site plan must be submitted and approved, according to the provisions of Article 6, prior to excavation activities. In addition to the application requirements of Article 6, the following additional information shall be submitted with the site plan.

1. Details of sodding, seeding, and drainage of the banks of the pond and surrounding affected area in accordance with the standards of the Soil Erosion Control Act.
  2. A letter from the Arenac County Drain Commission attesting that a soil erosion and sedimentation permit will be issued, if required, or stating that a permit is not required.
- G. All applicable county, state, and federal permits are obtained, and satisfactory evidence is provided to the Village that such permits have been obtained or are not necessary, including permits issued under PA 346 of 1972, Inland Lakes and Streams Act.
- H. The approval of a site plan for an artificial pond shall become void after one (1) year of such approval unless the Planning Commission finds that the construction of the artificial pond has significantly progressed and has reason to expect full completion of the pond construction within six (6) months.

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Board*

**Section 14.27 HOME OCCUPATIONS AND HOME-BASED BUSINESSES**

Home Occupations Standards: **A home occupation, as defined in Section 2.02 Definitions, may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:**

- A. That such home occupation shall be carried on within the dwelling or within a building accessory thereto.
- B. The total floor area used by the home occupation shall not exceed twenty (20) percent of the total floor area of the dwelling unit. The floor area of all accessory buildings used in the home occupation shall be included in the maximum floor area permitted for the home occupation.
- C. That the character or appearance of the residence shall not change and that the home occupation shall not generate traffic from cars or trucks more than normally associated with a residential dwelling.
- D. The home occupation shall not display or create outside the building any external evidence of the operation of the home occupation except for a sign, not to exceed two (2) square feet in area, as approved by the Zoning Administrator.
- E. No separate entrance from the outside of the building shall be added to the residence for the sole use of the home occupation.
- F. That there shall be no exterior storage of materials or equipment.
- G. That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, chemicals, or matter at any time; and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purpose, will be utilized in the home occupation.
- H. That no hazard of fire, explosion or radioactivity shall exist at any time.

- J. That parking for the home occupation shall not exceed two (2) spaces. The spaces shall be provided on the premises, or off street subject to Article 21, herein. Parking spaces shall not be located in the required front yard.
  - K. No more than two (2) persons not residing within the dwelling shall be employed in the home occupation.
2. **Home-Based Business Standards:** A home-based business, as defined in Section 2.02 Definitions, is a use subject to the requirements of Article 9 Zoning Districts and Maps, and may be permitted, subject to Planning Commission approval and the following supplemental requirements.
- A. Incidental Use: The use shall be incidental to and remain secondary to a principal permitted farm operation and/or single-family dwelling on the same lot.
    - 1. The total floor area of the dwelling used for the home-based business shall not exceed twenty (20) percent of the dwelling's total floor area.
    - 2. The character or appearance of the dwelling shall not change, and the business shall not generate vehicular traffic above that normally associated with a dwelling.
    - 3. Home-based businesses may occupy all or part of any accessory buildings on the lot that conform to the minimum required yard setback for the zoning district, subject to Planning Commission approval.
  - B. Signs: One (1) sign, not to exceed two (2) square feet in area, shall be permitted for the use.
  - C. Outside Storage: Outdoor display or storage of vehicles, equipment, and materials shall be prohibited. All vehicles, equipment, and materials associated with the home-based business shall be stored within a completely enclosed building.
  - D. Parking: Parking of vehicles or other activity associated with the home-based business shall be prohibited within road rights-of way and the minimum required yard setbacks for the zoning district. Parking for the home-based business shall be subject to Article 21.
  - E. Nuisances: No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, or chemicals at any time. No mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purposes, shall be utilized in the home-based business except for off-site performance of services provided by the business. No hazard of fire, explosion or radioactivity shall exist at any time
  - F. Minimum Lot Area: A minimum lot area of three (3) acres shall be required for any home-based business requiring large vehicle or equipment use & storage.
    - 1. For lots between three (3) and five (5) acres in lot area, a maximum four (4) persons not residing on the lot may be employed in a home-based business.
    - 2. For lots with five (5) acres or more of lot area, a maximum of eight (8) persons not residing on the lot may be employed in a home-based business.

3. All employees of a home-based business not residing on the lot shall work primarily off-site.

G. Hours of Operation: Operation of a home-based business shall be conducted in a manner that minimizes the impact of the business on adjacent residents and uses. The Planning Commission shall limit the hours of operation and make such other conditions as deemed appropriate to protect adjacent uses and residents.

H. Screening: The Planning Commission may require screening of the home-based business from abutting non-farm dwellings and uses, in the form of a permanent vegetative buffer with a minimum width of twenty (20) feet. See Article 23 Landscaping and Screening.

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3. **Prohibited Uses and Activities:** The Planning Commission shall not permit a home-based business unless it can be demonstrated that the business can be conducted in a manner that does not adversely impact adjacent uses and residents. The following uses are expressly prohibited as a home occupation or home-based business in any zoning district.

A. Automotive, truck, recreational vehicle, boat, or motorcycle repair; auto body repairshops; and salvage or storage yards.

B. Eating and/or drinking establishments.

C. Any use for which parking cannot be accommodated on the site.

D. Uses similar to the above listed uses, or any use which would, in the determination of the Village, result in nuisance factors as defined by this Ordinance.

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4. **Compliance Required:** Any home occupation or home-based business that does not conform to the requirements and standards of this Section shall be an unlawful use subject to the violations and penalty provisions of this Ordinance.

#### **Section 14.28 FUNNELING**

1. It is hereby found that funneling, as hereinafter defined, is detrimental to the Public Health, Safety and Welfare and constitutes an improper use of land and natural resources because it causes overcrowding of lakes, streams and lands adjacent to them, contributes to the pollution and degradation of public waters, creates hazards to life and property by increasing the risks of riparian owners and the public, and adversely affects property values of shoreline properties located near funnel developments.

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2. It is the declared purpose of this Section to protect the health, safety, and general welfare of the citizens of Sterling Village by prohibiting funneling, as hereinafter defined, on bodies of water and water ways in the unincorporated areas of the Village. It is the intent of this Section to:

A. Carry out the purposes of the Village zoning Act. (Act 184 of Public Acts of 1943),

B. Environmental Protection Act (Act 127 of Public Acts of 1970) and to regulate the proper use of natural resources within the Village.

C. Prevent the overuse and misuse of water resources within the Village, particularly by boating traffic and similar impacts on inland waters.

- D. Protect the quality of inland waters by limiting uses of the water that tend to pollute them.
3. Nothing in this Section shall be construed as depriving any riparian owner of any natural body of water or waterway of any riparian rights.
  4. Funneling is prohibited in all areas of this ordinance jurisdiction. If any proposed use involves funneling or proposed funneling, said use shall not be permitted.

