

Chapter 3

GENERAL PROVISIONS

SECTION 3.1 INTENT AND PURPOSE

- A. It is the purpose of this Chapter to establish regulations and conditions which are applicable to all districts of this Ordinance unless otherwise indicated. The purpose of this Chapter is to provide uniform regulations applicable within the Village of Fowler which supplement the specific requirements for each district, and each permitted use.

SECTION 3.2 ACCESSORY BUILDINGS AND STRUCTURES

- A. General Requirements
1. Accessory buildings and structures that are customarily incidental and subordinate to an existing principal building, structure or use permitted by right within the applicable district, located on the same lot and not otherwise regulated by this Ordinance, shall be permitted subject to the regulations of this Section.
 2. Attached accessory buildings and structures shall be made structurally a part of the principal building and shall conform to the site development standards of the district in which the building or structure is located.
 3. Detached accessory buildings and structures shall be no closer than ten (10) feet from the principal building or structure.
- B. Detached Accessory Buildings and Structures - Residential Districts or Uses
1. Detached accessory buildings and structures shall be located only in the rear yard and at the setbacks required for main buildings for the District in which it is located, except that in no case shall a detached accessory building be closer than six (6) feet from any lot line, as measured from the closest point of the building. In addition, no detached accessory building or structure shall be located upon a rear yard utility easement.
 2. The total square footage for all accessory buildings shall not exceed twenty-five (25) percent of the floor area of the main buildings. [AMENDED 3/10/08]
 3. One (1) additional detached storage shed shall be permitted for a Residential District or use not to exceed one hundred and twenty (120) square feet in area. A swimming pool and cover structure shall also be permitted on a lot, subject to the requirements of Section 3.30 and any other applicable Ordinance.
- C. Detached Accessory Buildings - Nonresidential Districts or Uses
1. No more than two (2) detached accessory buildings shall be permitted on any lot.
 2. The total area of all accessory buildings shall not exceed twenty five percent (25%) of the floor area of the main building(s).
 3. Detached accessory buildings shall meet all setback requirements for main buildings for the district in which it is located, as measured from the closest point

of the building, except that in no case shall be closer than ten (10) feet from any lot line.

4. No detached accessory building shall be located nearer than ten (10) feet to any main building.
5. No detached accessory building shall exceed the permitted height for main buildings in the district in which it is located.
6. Any detached accessory building or structure located closer than fifteen (15) feet to any property line of an abutting residentially zoned or used parcel shall provide a six (6) foot high continuous obscuring screen comprised of plant material, berming, screen walls, fences, or any combination of these elements as described and required in Chapter 13 (Landscaping and Design Requirements).
[AMENDED 3/10/08]

SECTION 3.3 ACCESS TO STREETS

All lots created after the effective date of this Ordinance shall have the required minimum lot width, as measured at the front setback line, and direct access from said lot, to a public or private street created in accordance with the requirements of this Ordinance. Private streets must only be provided as established by the Village Council.

SECTION 3.4 ALTERATION OR CHANGE OF USE

Except as may otherwise be permitted in this Ordinance, any change in the use of lot or structure, or any alteration of an existing lot or structure shall require the issuance of a development permit and the compliance with all provisions of this Ordinance.

SECTION 3.5 ANIMALS, KEEPING OF

The keeping, housing, raising, use or care of animals is permitted and subject to the following limitations and conditions:

- A. Customary household pets may be kept on a non-commercial basis provided that the number of such animals does not exceed six (6) and that it does not exceed three (3) dogs. This does not include the temporary keeping of newborn animals for a period of time not-to-exceed six (6) months. Customary household pets include such animals as dogs, cats, rabbits, birds, and similar animals; but do not include pigeons, chickens, ducks, geese, goats, sheep, pigs, and other farm livestock.

SECTION 3.6 CORNER LOTS

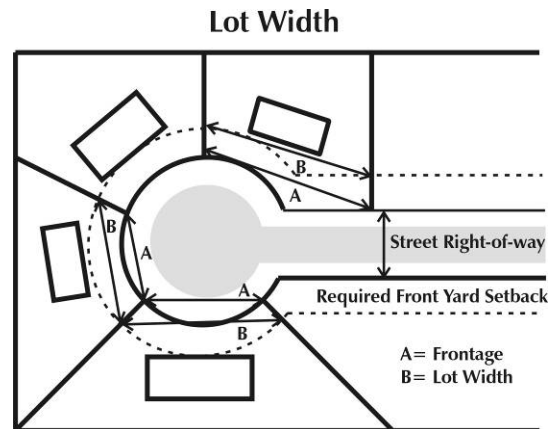
- A. A corner lot shall have two front lot lines: a principal front lot line and a secondary front lot line. The principal front lot line shall be the shorter of the two lot lines. Where the lot lines are of equal length, and/or the principal front lot line is not evident, then the Zoning Administrator shall determine the principal front lot line.

B. General Provisions

1. The required front setback shall be met on both the principal and secondary streets; provided that where the lot contains an existing main building, the front setback from the secondary street may be reduced by ten (10) feet.
2. The remaining setbacks shall side setbacks.
3. The width of a corner lot shall be determined by the entire length of that front lot line which is considered as the principal lot line.

SECTION 3.7 CUL-DE-SAC LOTS

- A. The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.
- B. The minimum lot width for a lot on a cul-de-sac shall be measured at a line drawn between the two (2) points located at the intersection of a line extending along the side lot lines equal to the distance of the required front setback.



- C. A lot on a cul-de-sac shall have not less than forty (40) feet of lot frontage as measured along the front lot line.

SECTION 3.8 DETERMINATION OF LOT MEASUREMENTS

- A. A corner lot shall have two (2) front lot lines, two (2) side lot lines, and no rear lot line.
- B. Required front yard setbacks shall be measured from both front lot lines.
- C. For a corner lot with three (3) front lot lines, the remaining lot line shall be a rear lot line.
- D. The front building line on any lot with an outside simple curve will be the straight-line chord that intersects the side lot lines at the point of intersection with the required front set-back line.
- E. The front building line on any lot with an inside simple curve will be the straight line tangent perpendicular to the arc radius at the midpoint of the curve.
- F. Front building lines on lots with compound, broken-back or reverse curves will be determined using the tangent or chord which provides the greatest set-back toward the interior of the lot from the required set-back line and front lot line.

SECTION 3.9 EARTH REMOVAL, GRADING AND FILLING

- A. In order to protect adjacent properties, public roads and public water courses, and to provide for adequate drainage of surface water, the following requirements shall apply to all construction activities requiring a development permit pursuant to this Ordinance.
- B. Filling of property to an elevation above the established grade of adjacent developed property shall not be permitted without the expressed written approval of the Village Engineer.
- C. The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flows away from the building or structure and is managed to avoid increased flow onto adjacent properties or public roads.
- D. Any land development which disturbs the existing grade of more than one (1) acre of land or lies within five hundred (500) feet of an open drain, shall require a Soil Erosion and Sedimentation Control Permit pursuant to Public Act 347 of 1972, as amended, prior to issuance of a development permit.
- E. Any land development, dredging, filling, or other activity requiring a permit pursuant to the Inland Lakes and Streams Act 1972 PA 346, shall be required to obtain said permit prior to the issuance of a development permit.

SECTION 3.10 ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district; it being the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this Ordinance.

SECTION 3.11 FEES AND CHARGES

The Village Council shall by resolution establish such fees and charges as it may require for applications, permits, reviews, and for other procedures and services related to the provisions of this Ordinance.

SECTION 3.12 FENCES AND WALLS

- A. Fences and walls in front yards of all districts shall not exceed three and one-half (3½) feet in height, and shall be of non-solid construction, such as cyclone fencing, which have openings of at least seventy-five percent (75%) in each square foot of fencing, or wall.
- B. Solid walls and fences, and those of open construction, not exceeding six (6) feet in height are permitted in side and rear yards of all districts.
- C. Finished sides of fences must face out.

SECTION 3.13 HOME OCCUPATIONS

- A. Home occupations shall be approved by the Zoning Administrator, who may issue an approval upon receipt of a letter from the applicant stating his or her intent to comply with the requirements of this Section and the specific measures by which compliance will be maintained.
- B. A home occupation shall be conducted only within the premises of a single-family detached dwelling unit. Home occupations are not permitted within two (2) family, or multiple-family dwellings.
- C. There shall be no outdoor, on-site storage of materials, equipment, or accessory items and/or display of materials, goods or supplies used in the conduct of the home occupation. The on-site storage of commercial vehicles used incidentally for or used in the home occupation business shall not be permitted.
- D. Only members of the immediate family who reside on the premises shall be employed in any part of the operation of the home occupation.
- E. Home occupations are permitted only in the principal structure or building. All activities related to the home occupation shall be carried on entirely within the dwelling unit. In no case shall more than twenty-five percent (25%) or four hundred eighty (480) square feet, whichever is smaller, of the gross floor area of the principal building be utilized for a home occupation.
- F. A home occupation shall not generate a traffic burden through excessive traffic or create an adverse effect for the general area in which it is located. The following factors shall be considered by the Zoning Administrator to determine whether the traffic effects on a neighborhood may be excessive:
 - 1. Whether the subject parcel is located at the entrance or the interior of a subdivision where increased traffic volumes may be otherwise anticipated.
 - 2. Whether the nature of the proposed home occupation requires scheduled appointments or whether traffic volumes may be higher at certain times of the day.
 - 3. Whether traffic volumes may vary on a seasonal basis.
 - 4. Whether the home occupation could be conducted in such a manner as to reduce traffic generated in the area.
- G. Any parking for vehicles associated with the home occupation shall be provided off the street, including the street right-of-way.
- H. No retail or other sales of merchandise or products shall be conducted upon the premises except for incidental products directly related to and necessary for the home occupation.

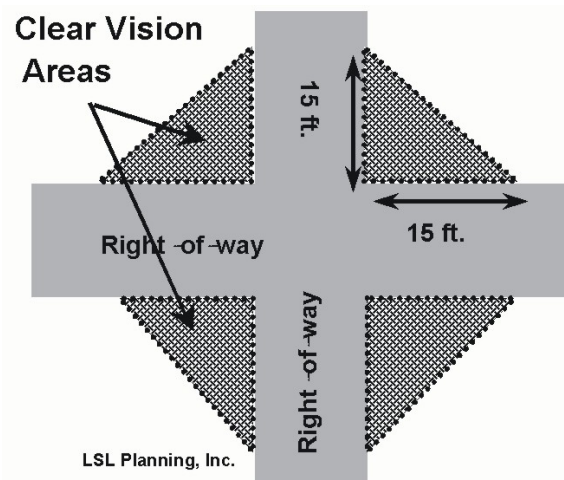
- I. The establishment of a home occupation shall not necessitate exterior modification to any building on the property, except as may be required by the Zoning Administrator to comply with adopted Building Codes and requirements.
- J. The applicant shall certify that the home occupation will not be detectable to the normal senses off the lot or produce fumes, odors, dust, vibration, noise, smoke, electrical interference, fire hazard or other conditions which might pose a nuisance to adjacent properties. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- K. The Zoning Administrator may identify allowable hours of operation to avoid possible disquieting effects from the home occupation to adjacent properties.
- L. Signs shall be as allowed as permitted in Chapter 15 of this Ordinance, but in no case shall a sign exceed two (2) square feet in area. The permitted sign shall be non-illuminated and mounted flat against the wall of the dwelling.

SECTION 3.14 ILLEGAL DWELLINGS

The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the Village building code and other applicable regulations. In no case, shall any living space located in a basement be counted toward the required floor area requirement for the district in which it is located.

SECTION 3.15 INTERSECTION VISIBILITY, CLEAR VISION

No fence, wall, sign, hedge, screen or any planting shall be erected or maintained to obstruct vision between a height of three (3) feet and eight (8) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines fifteen (15) feet from the point of intersection of the right-of-way lines. The three (3) foot and eight (8) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lays between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way lines.



SECTION 3.16 LIGHTING REQUIREMENTS

- A. Parking lot lighting shall be as required in Section 14.10, G.

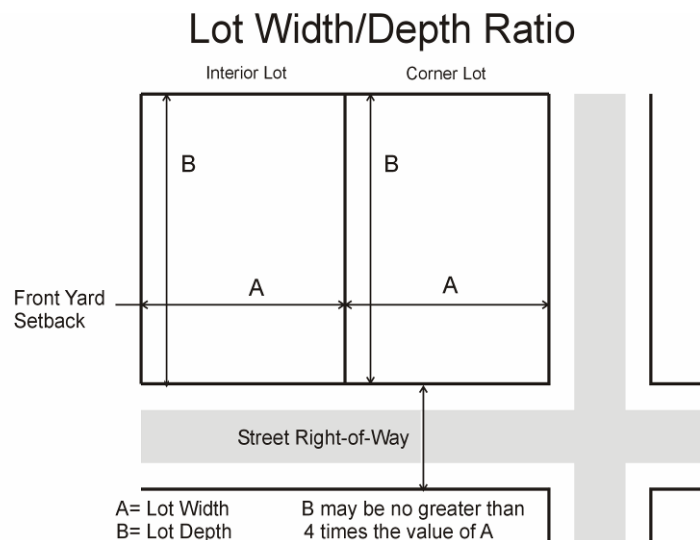
- B. Lighting provided for security or visibility on any site shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from any Residential District or use.
- C. Light fixtures shall be no higher than twenty (20) feet and shall be provided with light cut-off fixtures that direct light downward. For parking lots serving a single building or groups of related commercial, industrial, or office buildings in excess of two hundred and fifty (250) spaces the Planning Commission may permit a higher light fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.
- D. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally. Lighting in these situations may be directed diagonally toward the ground.

SECTION 3.17 LOT WIDTH/DEPTH RATIO

Lots created after the effective date of this Ordinance having a lot area of less than ten (10) acres shall have a lot width which is equal to, or greater than, one-third ($1/3$) the depth of the lot.

SECTION 3.18 MAIN BUILDING OR PRINCIPAL USE

Each parcel shall contain only one (1) main building or principal use, except for groups of related commercial, industrial, and office buildings, and multiple family dwellings, contained within a single, integrated complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance.



SECTION 3.19 MECHANICAL APPURTENANCES

- A. Except in the General Commercial District, mechanical appurtenances, such as blowers, ventilating fans and air conditioning units, shall be placed not closer than twelve (12) feet to any lot line.
- B. Any mechanical appurtenances, including elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar apparatus, located on the roof of any building shall comply with the following standards:
 - 1. Such apparatus shall be enclosed in a screening structure having walls constructed of material compatible in appearance with the main building to which it is attached.

2. The apparatus and enclosure shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall not occupy greater than ten (10) percent of the total area of the roof of the building on which it is placed.

SECTION 3.20 NONCONFORMING USES, STRUCTURES, AND LOTS

A. General Provisions

1. Any lot, use of land, or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall be in violation of this Ordinance, except when the lot, use of land, or structure is in full compliance with the provisions of this Ordinance.
2. An existing lot, use of land, or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous zoning ordinance, created, or commenced during a period of time when no valid zoning ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided there is compliance with this Section.
3. A lawful use of land or structure which is under construction in furtherance of the establishment of a building or structure before the enactment of this Ordinance shall be permitted to continue as a nonconformity.

B. Nonconforming Uses

1. No part of any nonconforming use shall be moved unless such movement eliminates the nonconformity.
2. If a nonconforming use is abandoned for any reason for a period of more than nine (9) months, any subsequent use shall conform to the requirements of this Ordinance.
3. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds, have fallen into disrepair;
 - c. Signs or other indications of the existence of the nonconforming use have been removed;
 - d. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
 - e. Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
4. A nonconforming use shall not be changed in use to another nonconformity. A nonconformity which is succeeded by a use in compliance with this Ordinance shall lose its nonconformity and shall thereafter be continued in compliance with the provisions of this Ordinance.

5. No nonconforming use shall be permitted to expand or enlarge the size of any building or structure or extend the land area occupied by the nonconforming use, unless approved by the Planning Commission after a public hearing which meets the requirements of Section 12.3 A, meets the General Standards for Making Determinations of Section 12.4 C., and is subject to the Site Plan Review requirements of Chapter 11. [AMENDED 3/10/08]
- C. Nonconforming Structures
1. The expansion of a nonconforming structure shall be permitted provided that the actual addition, or accessory building is in compliance with this Ordinance.
 2. No nonconforming building shall undertake a structural change requiring a Construction Permit, pursuant to the Village Building Code, as amended, provided, however, that mechanical, electrical, plumbing, sewage disposal, and well permits shall be issued when no structural alteration or modification is involved; and provided the strengthening or restoring to safe condition of any building, structure, or part thereof declared to be unsafe by any public official charged with protecting the public health or safety may be structurally altered to the extent necessary to comply with the order of that public official.
 3. A nonconforming structure which is 40% damaged by fire, collapse, explosion, high winds, vandalism, or other means beyond the owner's control may be repaired or replaced to its former condition.
 4. A nonconforming structure shall not be moved in whole or in part except when such moving results in full compliance with the provisions of this Ordinance.
 5. Where a nonconforming setback of a structure is equal to or less than one-half ($\frac{1}{2}$) of the distance required by this Ordinance a nonconforming setback may be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.
- D. Nonconforming Lots of Record
1. A legal nonconforming lot may be used for the purposes for which it is zoned and shall be issued a development permit, provided that:
 - a. If already less than the minimum requirements of this Ordinance, a required lot area or lot width shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance.
 - b. Any main building on such lot shall be located such that at least two thirds ($\frac{2}{3}$) of the setback requirements of the district in which the lot is located are met.
 2. Contiguous Nonconforming Lots in Common Ownership
 - a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment to it, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
 1. Are in common ownership;
 2. Are adjacent to each other or have continuous frontage, and;

3. Individually do not meet the lot width or lot area requirements of this Ordinance.
- b. Such parcels shall be combined into such lot or lots complying as nearly as possible to the lot width and lot size requirements of this Ordinance. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this Ordinance.

SECTION 3.21 PERMITTED FRONT SETBACK REDUCTIONS

- A. Where the established front yards for existing main buildings within two hundred (200) feet of the side lot line of, and in the same zoning district as, a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of existing main buildings entirely or partially within two hundred (200) feet of the side lot lines of the subject lot, subject to subsections B and C, below.
- B. The front yard reduction permitted in subsection A, above shall only be permitted if there are two (2) or more lots occupied by main buildings within the area described for computing the average front yard.
- C. In no case shall the front yard setback resulting from the application of these provisions, be less than fifteen (15) feet.

SECTION 3.22 PORTABLE STORAGE CONTAINER REGULATIONS [AMENDED 8/11/08]

- A. Residential Districts
 1. No person shall place a portable storage container on private property without first obtaining a zoning permit from the Zoning Administrator.
 2. There shall be no more than two portable storage containers placed on individual property at any one time. Portable storage containers shall not exceed 8 feet in height and 160 square feet in size.
 3. Portable storage containers shall be placed only in the driveway and be set back a minimum of 10 feet from the front property line.
 4. No portable storage container shall remain on the site in excess of 14 consecutive days from the date of the permit and no more than 60 days per year.
 5. Portable storage containers utilized in conjunction with a construction project shall meet the requirements of Section 3.31 and be removed within 12 working days after completion of work on the site.
 6. Portable storage containers shall not be permitted for use as a detached permanent storage building, utility building workshop, hobby shop or other similar use as defined under Section 3.2 Accessory Buildings and Structures.
- B. Non Residential Districts
 1. Portable storage containers shall meet all the requirements described in Part A above with the exception of A. 2.

2. Portable storage containers shall not be utilized for any form of material processing and/or material application such as, but not limited to, painting, printing, machining, metal fabrication or similar activity.

SECTION 3.23 PROJECTIONS INTO YARDS

- A. Architectural elements attached to and necessary to the integrity of the building, or the health or safety of the occupants, such as ramps for the disabled, cornices, eaves, gutters, chimneys, pilasters, unenclosed steps, fire escapes, and similar features shall be permitted to encroach upon the minimum setback requirements of this Ordinance, provided such projection into a required front or rear yard area is no closer than ten (10) feet from a street right-of-way line or rear lot line. No encroachment shall be permitted into the side setback of the lot.
- B. Terraces, patios, porches, and decks shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance provided they are:
 1. Attached to the main building;
 2. Not covered with a roof;
 3. Elevated no more than thirty (30) inches above the average surrounding final grade;
 4. Not fully enclosed by a wall or fence over five and one-half (5½) feet in height;
 5. Located no closer than ten (10) feet from a street right-of-way line or rear lot line; and
 6. Do not encroach into the side setback of the lot.
- C. Terraces, patios, porches, and decks that are enclosed (covered with a roof), not including steps leading to such structures, shall be attached to and considered part of the main building and comply with all regulations applicable to main buildings.
- D. Those structures covered in A and B above shall not be considered nonconforming, and therefore, shall be permitted to be rebuilt even if destroyed by an act of God or by the owner/occupant of the structure.

SECTION 3.24 REGULATIONS APPLICABLE TO SINGLE-FAMILY DWELLINGS OUTSIDE MANUFACTURED HOME PARKS

Any single-family dwelling, whether constructed and erected on a lot, or a manufactured home, shall be permitted outside a manufactured home park only if it complies with all of the following requirements:

- A. The dwelling shall meet the minimum square footage requirements for the district in which it is located.
- B. Design Features:
 1. The minimum width across any front, side, or rear architectural elevation shall be at least twenty four (24) continuous feet of exterior wall.

2. All dwellings shall have either a roof overhang of not less than ten (10) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling;
 3. The dwelling shall contain permanently attached steps connected to exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
 4. The dwelling shall not contain additions or rooms or other areas which are not constructed with similar quality work as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
 5. The dwelling shall contain an interior storage area in a habitable basement or cellar located under the dwelling, or in a defined storage room space separate from closet areas, garage, utility or furnace rooms. The minimum storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
 6. Laundry facilities shall be required.
- C. The dwelling shall conform to the Village Building Code and all other pertinent construction and fire codes. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the Building Code in effect in the Village, then in that event, the less stringent Federal or State standard or regulation shall apply. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- D. In the case of a manufactured home, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured home 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, being 24 CFR 3280, and as from time to time such standards may be amended.
- E. The dwelling shall be placed upon and secured to a permanent foundation in accordance with the Village Building Code. The area between the grade elevation of the lot and the structure shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable code for single-family dwellings.
- F. If the dwelling has wheels, towing mechanisms or undercarriages, they shall be removed.
- G. The dwelling shall be connected to a public sanitary sewer.
- H. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity.
1. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans (which may include elevational sketches or photographs) submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a

period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision.

2. Any determination of compatibility shall be based upon the standards set forth in this subsection regarding dwellings as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within nine hundred (900) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of the lots situated within said area; or where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of manufactured home parks throughout the Village.
- I. The requirements of this Section shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
 - J. The foregoing standards shall not apply to manufactured homes located in a state licensed manufactured home park except as required by state or federal law or otherwise specifically required in any Village Ordinance pertaining to such parks.

SECTION 3.25 REQUIRED AREA OR SPACE

No lot, yard, court, parking area or other space shall be so reduced in area or dimension as to make said area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further reduced.

SECTION 3.26 REQUIRED WATER SUPPLY AND SANITARY SEWAGE FACILITIES

No structure for human occupancy shall be erected, altered, or moved upon any premises and used in whole or in part for residential, assembly, business, industrial, institutional, mercantile or storage purposes unless the water supply and waste water disposal system conforms with the requirements of the Michigan Department of Public Health, and Village of Fowler ordinance applicable to public sanitary sewer and public water supply.

SECTION 3.27 SEASONAL USES

- A. The Zoning Administrator, upon receiving an application, may issue a permit for the temporary sale of merchandise in any Nonresidential District, related to a seasonal or periodic event. Such seasonal uses shall include the sale of Christmas trees, fireworks, and similar activities, but shall not include roadside stands.
- B. In considering a request for a temporary permit, the Zoning Administrator must determine that the operation of such a use is seasonal in nature and will not be established as a permanent use. The Zoning Administrator will also determine:
 1. That the use does not have an unreasonable detrimental effect upon adjacent properties;
 2. That the use does not impact the nature of the surrounding neighborhood;

3. That access to the area will not constitute a traffic hazard due to ingress or egress; and
 4. That adequate off-street parking is available to accommodate the use.
- C. Each permit shall be valid for a period of not more than sixty (60) days and may be renewed by the Zoning Administrator for up to one (1) additional thirty (30) day period, provided the season or event to which the use relates is continued.

SECTION 3.28 SITE CONDOMINIUMS

- A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.
- B. A site condominium unit shall be treated as a separate lot or parcel and may have such buildings constructed thereon and such uses conducted thereon as allowed in its zoning district provided the unit meets the District Regulations for the zoning district in which it is located.
- C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Village Council in accordance with Chapter 11.
- D. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corner and deflection points. Lot irons shall be set at all condominium site corners and deflection points of condominium site lines.
1. The Zoning Administrator and the Village Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year from the date of approval by the Village Council, on condition that the developer deposit with the Village Clerk cash, a certified check, or an irrevocable bank letter of credit running to the Village of Fowler, whichever the developer selects, in an amount as determined from time to time by resolution of the Village Council.
 2. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified.
 3. If the developer defaults, the Village Council shall promptly engage a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plan, at the developer's expense.
- E. All rights-of-way and utility easements shall be described separately from individual condominium sites and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan.
1. The rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities.

2. The developer shall dedicate to the Village of Fowler all easements for utilities. Water, sewer and electrical easements may be placed within streets, subject to the approval of the Village Engineer and the standards of the Village of Fowler.
3. All streets and roads proposed for any site condominium shall be developed within the minimum design, construction, inspection, approval, and maintenance requirements of this Ordinance, the Subdivision Control Ordinance, and the comparable requirements of the Clinton County Road Commission, if applicable.

SECTION 3.29 STORAGE OF RECREATIONAL VEHICLES

Recreational equipment may be parked outside of an enclosed building on any lot within a Residential District provided that the following requirements are met:

- A. If located on an interior lot recreational vehicle shall not be located within the front yard. If located on a corner lot, recreational vehicle shall not be located in the yard of the secondary front lot line facing the street. If located on a through lot, recreational vehicle shall not be located in the front yard.
- B. Notwithstanding the provisions of this Section, recreational vehicle may be parked within any yard, for cleaning, loading, or unloading purposes for not more than seventy-two (72) hours within any seven (7) day period provided that clear vision areas are maintained and sidewalks are not blocked.

SECTION 3.30 STORAGE & REPAIR OF VEHICLES

- A. The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential zoning district shall be conducted entirely within the interior of a building.
- B. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building.
- C. It shall be unlawful for the owner, tenant or lessee of any lot in any residential zoning district to permit the open storage or parking outside of a building of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use for construction being conducted on such lot. No construction material/equipment including 2x4's, plywood, etc., shall be openly stored in a residential district unless being used for current construction projects.

SECTION 3.31 SWIMMING POOLS

Pools shall be constructed in conformance with the Village Building Code and shall conform to the setback requirements for accessory uses pursuant to Section 3.2 of this Ordinance. Pools shall be located in accordance with the requirements of the Michigan Department of Public Health.

SECTION 3.32 TEMPORARY BUILDINGS

Mobile offices, tool sheds, storage trailers, shall be permitted during the time of actual construction provided they are located outside of a street r.o.w., clear vision areas side/rear

setback areas. These structures shall be removed within twelve (12) working days after the completion or abandonment of construction work on the property.

SECTION 3.33 TEMPORARY OCCUPANCY IN VEHICULAR DWELLING

- A. No building or structure erected or moved upon a lot which does not meet the requirements of this ordinance shall be used or occupied as a dwelling.
- B. The owner or renter of any premises upon which a dwelling is situated may permit the parking of an occupied recreational vehicle (RV), motor home, mobile home, or travel trailer, of a guest or visitor on the premises for a period not exceeding a total of fifteen (15) days in any period of three hundred and sixty five (365) consecutive days, provided that a permit is applied for by the owner of said property and issued by the Zoning Administrator. Application for such permit shall include the serial number and license number of the unit, the name and permanent address of the owner thereof, and a statement warranting that the occupants of the unit shall have unrestricted use of the sewer and water supply facilities of the dwelling.

SECTION 3.34 WIRELESS COMMUNICATION TOWERS

- A. Commercial wireless communication towers may be considered either a Principal or Accessory use, as a Special Land Use only on public property. This includes mounting onto a publicly or privately owned tower or publicly elevated storage tank or tower. All commercial wireless communication towers enacted after this Ordinance must provide collocation.
- B. Commercial wireless communication towers are only allowed on municipal property and require a municipal franchise agreement. Tower lease areas shall be maintained in a neat and orderly manner and shall be completely fenced. Effective landscaping and screening shall be used around fenced areas. Wireless communication equipment shall be stored inside secured shelters and shall use natural materials and neutral colors for the exterior. Leased areas shall be appropriately lit.
- C. A privately owned, non-commercial tower may be erected as an accessory use in any district, provided such tower does not exceed sixty (60) feet in height, and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas. These towers shall not have support wires extending out horizontally from the tower more than ten (10) feet in any direction and shall be safely maintained. Support wires and towers may not be erected or placed closer than ten (10) feet to any side or rear lot line. Support wires and towers are prohibited from being located in the front yard. Towers must be erected, mounted and maintained in a safe manner.