CITY OF LAKE ANGELUS

ORDINANCE NO. 155

The City of Lake Angelus ordains:

I. Section 1248.05 of the Codified Ordinances of the City of Lake Angelus is amended and re-stated in its entirety as follows:

(a) All principal buildings shall be constructed in a manner that preserves or restores the existing land contours and topographical features of the building site, except as permitted by this section. Excavations to permit access to structures at locations below the natural grade (walk-out basements) are permitted, provided that the floor level to which access is provided is not more than seven feet below the natural grade and that the land adjacent to any such excavation or integral retaining wall is graded by excavation or fill not steeper than a ratio of one vertical unit for each four horizontal units at any point between five (5) feet from the side lot line and the perimeter of the structure and the lowest grade level of the excavation site. The seven foot cut from the natural grade is intended to be a maximum over the life of the property; subsequent projects are not permitted to take additional cut beyond the maximum from the natural grade.

(b) The principal residence shall be limited to 60 square feet of floor space for each foot of Lake frontage, subject to the following:

 (1) Areas included in the building size calculation:

A. All non-basement area that is considered habitable as defined by the Michigan Residential Code, measured from the exterior walls.

B. One-half of the area in a walkout basement that is considered habitable as defined by the Michigan Residential Code.

C. Upper-level attics and storage areas that are accessed by a dedicated interior doorway or stairway, regardless of the ceiling height of the space.

(2) Areas not included in the building size calculation:

A. Garages, non-walkout basements, and covered and screened porches and decks.

B. Open areas of any floor level where there is no floor.

C. Attics and storage areas that are not defined as habitable by the Michigan Residential Code.

D. Attics and storage areas that are accessed from outside of the habitable space of the home (i.e. the garage). Access may be achieved by a ceiling or wall panel, pull-down stairs, permanent stairs, or other similar method.

(c) No grading shall take place on any residential zoned property from 50 feet or greater from the Lake until a site plan is approved.

(d) Any moving of soil or grading at any time on residential property within the City which requires obtaining of a soil and sedimentation permit or disturbs the soil or vegetation in a way that may allow erosion or runoff of soil shall only be done with proper soil erosion control measures in place.

(e) For any building constructed with visibility from the Lake, garage doors shall not be located on the side on the building facing the Lake, and driveways and parking areas shall be designated and constructed on the road side of the house, as much as possible.

(f) The existing grade shall not be altered in elevation for five feet from each side lot line. From a point of five feet from a side lot line, the grade may change with excavation or fill not steeper than a ratio of one vertical unit for each four horizontal units, with a limitation on any increase in elevation of the grade to a maximum of three feet above the existing elevation five feet from the side lot line. No grading shall take place within 50 feet of the Lake except to the extent authorized by special land use under Section 1248.03(c).

(g) No motor vehicles, motor homes, house trailers, boats, boat trailers, boat hoists, rafts, watercraft or similar equipment or vehicles shall be parked or stored outside of an enclosed building in any required side yard setback or within 15 feet of a public or private road, unless it is in a driveway and it is in regular use.

(h) To the extent feasible natural grades should be maintained during and restored after construction. Cut and fill of existing grades should be avoided.

II. Miscellaneous Provisions.

 (a) Savings Clause. All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced. This ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this ordinance, or initiated after the effective date of the ordinance for an offense committed before that effective date.

 (b) Severability. If any word, clause, sentence, paragraph or part of this ordinance shall be found invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

 (c) Effective Date; Publication. This ordinance shall take effect upon publication of this ordinance or a synopsis thereof, in a newspaper circulated in the City of Lake Angelus.

 At a (regular/special) meeting of the Lake Angelus City Council held on January 12, 2021, adoption of the foregoing ordinance was moved by Gary Parlove and supported by James Cortez.

Voting for: Dan Jenaras, Gary Parlove, Laura McNew, James Cortez, Natalie Forte

Voting against: NA

The Mayor declared the ordinance adopted.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Natalie Forte

 Mayor

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Sarah McNew Razzaque

 Clerk

J:\4497\006\Ordinance re Natural Grade Restoration 1-5-2021.docx