

**STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF WALLED LAKE**

ORDINANCE NO. 356-20

**AN ORDINANCE TO AMEND CHAPTER 51, “ZONING”, OF
TITLE V, “ZONING AND PLANNING”, THE CITY OF
WALLED LAKE ZONING ORDINANCE, TO AMEND
ARTICLE 17.00 “SCHEDULE OF REGULATIONS”,
SECTION 17.02 “NOTES TO SCHEDULE OF
REGULATIONS” BY AMENDING THE FRONT YARD
SETBACK REQUIREMENTS IN SINGLE FAMILY ZONING
DISTRICTS AS PROVIDED BY THIS ORDINANCE**

THE CITY OF WALLED LAKE ORDAINS:

Section 1. Purpose

The purpose of this Zoning Ordinance Amendment is to amend the front yard setback requirements in single family zoning districts as provided by this ordinance.

Section 2. Amendment to Article 17.00

The City of Walled Lake Zoning Ordinance is hereby amended at Article 17.00, “Schedule of Regulations”, Section 17.02 “Notes to Schedule of Regulations” by amending subsection (o) in its entirety to read as follows:

(o) **Front Setback in Single Family Districts. (amended 2020).** Except as expressly provided by this Article, the minimum front setback in single family districts shall be based on the Established Residential Building Pattern (ERBP), or the minimum setback specified in the Schedule of Regulations (Sec. 17.01), whichever is less. All prior interpretations of this subsection adopted by the Zoning Board of Appeals prior to the effective date of this ordinance are hereby vacated.

For single family properties zoned R-1A and R-1B that have E. Walled Lake Dr. frontage from Leon Rd. to W. 14 Mile Road, the minimum front setback shall be based on the ERBP.

The ERBP setback shall be equal to the average of the front setbacks of the immediately adjacent dwelling on each side of the subject parcel on the same side of the road and in the same zoning district as the subject parcel, subject to the following requirements:

- 1) In the event that one of the adjacent parcels is vacant, then the minimum setback specified in section 17.01 shall be used for that parcel in calculating the ERBP.
- 2) In the event that the subject parcel is on a corner, then the minimum setback specified in Section 17.01 shall be used in the ERBP calculations as the adjacent setback figure for the side of the parcel that adjoins a street.
- 3) The front setback of each adjacent structure shall be measured at the shortest distance between the structure's exterior surface and the front lot line.

Section 2. Severability

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this ordinance; but the remainder of this ordinance shall stand and be in full force and effect.

Section 3. Savings

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.

Section 4. Repealer.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 5. Effective Date.

The provisions of this ordinance are hereby ordered to take effect following publication as provided by the Michigan Zoning Enabling Act, as amended, *MCL 125.3101, et seq* and in the manner prescribed by the Zoning Ordinance and Charter of the City of Walled Lake. This ordinance is hereby declared to have been adopted by the Walled Lake City Council on _____, 2020 and ordered to be given publication in the manner prescribed by the City Charter of the City of Walled Lake.

AYES:

NAYS:

ABSENTS:

ABSTENTIONS:

[illegible]

LINDA ACKLEY, Mayor
CITY OF WALLED LAKE

JENNIFER STUART, City Clerk
CITY OF WALLED LAKE

Introduced: October 20, 2020

Adopted: _____

Effective: _____