

Chapter
12

General Provisions

These general provisions shall apply to all zoning districts except as otherwise noted.

SECTION 1201. SUPPLEMENTARY USE REGULATIONS

1201.1 BUILDING PERMITS REQUIRED.

Any construction related to any type of zoning administrative approval shall be commenced only after a building permit has been obtained.

1201.2 PENDING APPLICATIONS FOR BUILDING PERMITS.

Any building permit issued prior to the effective date of this ordinance shall be valid, notwithstanding the provisions hereof, provided construction is commenced by the effective date of this ordinance.

1201.3 REQUIRED WATER SUPPLY AND SANITARY SEWER FACILITIES.

There shall be provided for every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for human habitation or congregation, including dwellings, business, recreational, general business or other purposes, a safe and sanitary means of collection and disposal of sewage and industrial waste and a safe and sanitary water supply system in accordance with the requirements of Lake Township, the Huron County District Health Department, the Public Health Department, the State of Michigan, and the Federal Government Environmental Protection Agency.

1201.4 DRIVEWAY, SEPTIC AND SOIL EROSION PERMITS.

Prior to the issuance of a building permit, there shall be submitted to the Zoning Administrator the following approved permits in all cases where such permits are required, or applicable:

- A. Driveway permit including approved culverts, where necessary, approved by the Huron County Road Commission or the Michigan Department of Transportation;

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- B. Septic system permit approved by the Huron County Health Department;
- C. Soil erosion and sedimentation control permit from the Huron County Building and Zoning Department; and
- D. Flood Plain Wetland permits and High Risk Erosion Area (HREA) permits, as applicable.

1201.5 ACCESSORY USES.

Nothing in this Ordinance shall be construed to prohibit the following accessory uses.

- A. Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreation area.
- B. Building or structures necessary for provision of essential services.
- C. Gardens, garden ornaments and usual landscape features within required yard space.
- D. Fences within required yard space, provided they meet the standards cited below.
- E. Public playgrounds

1201.6 ESSENTIAL SERVICES.

Essential services are defined in Chapter 2 as permitted in any Zoning District subject to the following conditions.

- A. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6') feet high and adequate to obstruct passage of persons or materials and shall meet all of lot area, setback and yard requirements for the district in which they are located.
- B. Public utility facilities in any Zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood and shall meet all of the lot area, setback and yard requirements for the district in which they are located.

1201.7 UNDERGROUND POWER LINES AND PIPELINES.

The installation, use and maintenance of electric power lines and underground pipelines shall be permitted in any zoning district. However, all such pipelines shall be buried at least three (3') feet below the surface of the ground and shall pass under all existing drain tile unless the owner of the land of any affected drain tile or untilled land shall consent in writing to the installation of said pipeline above said drain tile or at a depth of less than three (3') feet. In no case shall power lines or pipelines be installed at a depth of less than two (2') feet below the surface of the ground or within six (6") inches above or below existing drain tiles.

Where a pipeline or power line is proposed to pass through a land not previously so used as a site for power lines or pipelines, the location, erection and use shall first be approved by the Planning Commission. A public notice shall be given in a newspaper of general circulation in the Township containing a statement of the proposed use and location and time for a hearing thereon, which shall not be less than seven (7) days from the date of publication. If, on such hearing, it shall appear that the proposed location, erection or use will be detrimental to the public health, safety or general welfare, then such use shall forthwith be denied.

1201.8 FENCES AND WALLS.

- A. **Construction, Replacement or Repair of Fences Generally.** No person shall erect, construct, replace or substantially repair any fence, except in accordance with the provisions of this chapter. Any fence existing on or before the adoption date of this section, and not in conformance with the requirements of this chapter, shall not be altered or modified except to make it more conforming.

- B. **Permit to Construct, Replace or Repair Fence, Wall or Retaining Wall.** No person shall erect, construct, replace or substantially repair any fence, wall or retaining wall, except an ornamental fence, without a land use permit therefore. Written application for such permit shall be filed with the Township, on forms to be furnished by that office, setting forth the location, type, construction detail, and other information as required by that office, together with a permit fee. The fees for a permit under this division shall be those fees on file with the Township Clerk. If it shall appear to the Zoning Administrator that the proposed fence, wall or retaining wall is in accordance with this chapter and other applicable ordinances and statutes, he shall issue a permit specifying the fence/wall authorized.

- C. **Construction Requirements for Fences.** All fences shall be constructed, with posts made of either iron pipe with one and five-eighths ($1\frac{5}{8}$) inches outside diameter, or wood posts four (4") inches in diameter, or other material, with footings or post holes at least three (3') feet in depth and firmly set in concrete, sand, or other compacting material. The fencing material shall be firmly and securely fastened to the posts. Only sound material shall be used.
- D. **Determination of Property or Lot Lines when Fence Erected.** It shall be the obligation and sole responsibility of persons obtaining fence permits under this chapter and erecting fences to determine the location of property or lot lines. At the Zoning Administrator's discretion, the property owner shall have the fence line locations surveyed by a registered land surveyor and the corners shall be staked. The township shall not determine property or lot lines, and the issuance of a fence permit shall in no way be construed as a determination of the correct, valid or legal location for the fence, or prejudice in any way the rights of an adjacent or abutting property owner.
- E. **Location of Fence on Street or Sidewalk and Curb.** It shall be unlawful to construct any fence or barrier in any public street in the township or between the sidewalk and curb, except in conjunction with the excavation for a building or similar structure as provided in the building code of the township.
- F. **Maintenance of Fences, Walls and Retaining Walls.** All fences, walls and retaining walls shall be maintained in a sound and safe condition.
- G. **Prohibited Fences.**
1. It shall be unlawful for any owner or occupant of land in the township, other than on land used for agricultural purposes, to build or maintain any fence constructed wholly or in part of barbed wire, or any fence, guard wall, or other protection upon which there shall be fixed, attached, or placed in any manner any spike, nail, or pointed instrument of any kind or description, or any fence electronically charged; provided, however, barbed wire or similar instruments may be used along the top of such fences surrounding industrial plants and real estate appurtenant thereto, if such barbed wire or similar instruments are fastened to a portion of the fence extending at an angle over the property enclosed and not over other private property and not projecting on the opposite side or the side adjacent to a sidewalk or public way.
 2. There shall be no fences on the beach between May 1 and September 30.

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3. There shall be no fences, barriers or other obstruction on the beach at any time other than as erosion control barriers between October 1 and May 1.
4. No structures are permitted to cross the beach area.
5. There shall be no fences allowed in the water front yard area, i.e. the area facing the water.
6. No chain link fence shall be allowed in any front yard of any R District.

H. **Height in Residential Zones.** The following restrictions shall apply to fences located within residential zones as established in zoning ordinance:

1. All fences, except ornamental fences, shall be at least three (3') feet in height above grade.
2. Fences located in required front yards shall not exceed four (4') feet in height above grade.
3. Fences within ten (10') feet of the property or lot line, abutting on a street, shall not exceed four (4') feet in height above grade.
4. Where no other restriction applies, a fence shall not exceed six (6') feet in height above grade.
5. No retaining wall shall exceed four (4') feet in height from the lowest point. Additional retaining walls shall be terraced.

I. **Height in Nonresidential Zones.** The following restrictions shall apply to fences located in an area other than a residential zone:

1. No fence shall exceed eight (8') feet in height measured from its tallest point.
2. Fences located between a building and a street shall not exceed four (4') feet in height above grade; provided that this restriction shall not apply to clear vision fences.

J. **Height in Sight Zones.** Within the limits of sight zones, fences shall not exceed three (3') feet in height above grade, except that such restriction shall not apply to clear vision fences. Such sight zones shall be determined as follows:

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1. Street corners: The triangle formed by legs measured twenty feet on each side of a street corner lot, measured on the property or lot line. Where a sidewalk exists, the inside edge of the sidewalk may be considered the property line for his purpose.
 2. Driveways: The right triangles formed on each side of driveways, measured ten (10') feet along the property or lot line on one (1) leg, and along the outside edge of the driveway for the other leg. Where a side walk exists, the inside edge of the sidewalk may be considered the property line for this purpose.
- K. **Nuisances.** Any fence which, through lack of repair, type of construction, location, deterioration, or for any other reason imperils life or property, shall be deemed a nuisance. Where any fence is in such a condition as to constitute a nuisance, the nuisance shall be abated.
- L. **Exceptions for Chapter.**
1. The height restrictions of this chapter shall not apply to schools, public or private, or to public recreational areas, or to public utility installations where higher fences are required for the safety and protection of the public.
 2. This chapter shall not apply to construction fences as authorized and required in the building code.

1201.9 PRINCIPAL BUILDING ON A LOT.

In the Agricultural, R-R, R-1 and R-2 Zoning Districts, no more than one (1) residential dwelling shall be placed on a lot. No residential dwelling shall be erected in the Business District, except as a Special Approval.

1201.10 KEEPING OF ANIMALS.

- A. The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any agricultural or residential zoning district. However, no more than three (3) dogs or cats, six (6) months of age or older, in any combination, and no more than a total of five (5) animals over one (1) pound in weight shall be kept or housed in or at one (1) dwelling unit in a residential district.

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- B. The keeping of horses, ponies and other equine on a residential lot is only permitted in the Agricultural and Rural Residential Districts on lots of at least five (5) acres in size. The keeping of horses, ponies, other equine and livestock is prohibited in all other zoning districts. There shall be five (5) acres for the first horse or pony kept on a lot and one and one half (1½) acres for each thereafter. The keeping of a maximum of three (3) housed animals or livestock or up to fifteen (15) fowl on a residential lot less than five (5) acres is permitted in the Agricultural District providing that said lot is more than five hundred (500') feet from any residential district, including Rural-Residential. These provisions do not apply to farms in the Agricultural district which are at least ten (10) acres in size, provided that all other applicable state and county requirements are met.
- C. All grazing areas shall be fenced. An accessory structure shall be provided to house such animals. Any barn or stable structure and any outdoor feed (non-grazing) area, training or exercising corrals shall be setback at least one hundred (100) feet from any occupied dwelling or any adjacent building used by the public. All stables shall be enclosed by a suitable fence and shall be maintained so that odor, dust, noise or water drainage shall not constitute a nuisance or hazard to adjoining premises.
- D. The keeping of exotic animals and/or reptiles not normally considered farm livestock (horses, cattle, bison, sheep, goats, pigs, chickens, rabbits, ducks, etc.), or household pets is prohibited.

1201.11 HOME OCCUPATIONS.

A home occupation, where permitted, shall be regulated according to the following conditions:

- A. No stock in trade may be kept or articles sold or offered for sale in the dwelling except such as are produced by such home occupation.
- B. No display of goods or "for sale" signs pertaining to such use are visible from the street and no persons are employed other than the dwelling occupants.
- C. A home occupation may not be conducted in an accessory building or garage; a home occupation shall not exceed the use of one (1) room of the dwelling or more than twenty-five (25%) percent of the total floor area of a dwelling, whichever is the most restrictive.

1201.12 PARKING AND STORAGE OF CAMPERS, TRAVEL TRAILERS AND BOATS.

Campers, travel trailers, motorized homes, trailers of any type and boats may be parked or stored outdoors in any Residential Zoning District on occupied lots subject to the following requirements:

- A. No more than one (1) camper or travel trailer, and not more than one (1) boat may be parked on a lot of record which is zoned and used for residential purposes and ownership of same must be in the name of a member or the immediate family of the lot's owner, tenant or lessee.
- B. Campers and travel trailers may be parked anywhere on the premises for loading or unloading purposes for a period not to exceed forty-eight (48) hours.
- C. Campers, travel trailers, snowmobiles, trailers, boats and the like, where parked or stored, shall be located only in the rear yard and in addition, shall conform to the required yard space requirements for accessory buildings in the Zoning District wherein located. In instances where the Zoning Administrator determines that there is no access available to the rear yard, they may be located in the side yard with a waiver of the side yard requirements for accessory buildings.
- D. All campers, travel trailers, boats and the like shall be locked or secured at all times when not in use so as to prevent access thereto by children.
- E. A suitable covering (e.g., tarpaulin) shall be placed over all boats, wherever they are not enclosed, in order to prevent vandalism by, or injury to children.
- F. Recreational equipment parked or stored shall not be used for living, lodging or housekeeping purposes, except as authorized by the Zoning Administrator.
- G. All recreational equipment must be kept in good condition and have a current year's license and/or registration.
- H. The parking or storage of a mobile home unit outside of a mobile home park, under the provisions of this ordinance, is expressly prohibited.

1201.13 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS.

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, orders, dust, noise or vibration beyond the lot on which the use is located.

1201.14 FLOODPLAINS AND WETLANDS.

Such areas of the Township shall be governed by the applicable Township ordinance, as amended, in addition to the rules governing zoning district uses contained herein.

1201.15 ALLIED CODES.

When required, other codes have an impact upon the activities being undertaken or planned, such as, but not limited to:

- A. Maintenance codes for residential structures and property should meet those standards as contained in the International Building Maintenance Code provisions. New construction and renovations shall meet the requirements of the International Building Code.
- B. Areas subject to flooding are regulated and subject to the regulations of the Lake Township Flood Areas Ordinance.
- C. Condominiums and declaration of condominiums for sale shall be subject to the Condominium Act, Public Act 59 of 1978, as amended.

SECTION 1202. SUPPLEMENTARY DWELLING REGULATIONS

1202.1 BUILDINGS TO BE MOVED.

Any building or structure which has been wholly or partially erected on any premises within or outside the Township shall not be moved to and/or placed upon any premises unless a land use permit for such building or structure shall have been secured. Any such building or structure shall fully conform to all the provisions of this ordinance in the same manner as a new building or structure to be erected in the same district.

1202.2 MUST COMPLY WITH CODE REQUIREMENTS.

Every dwelling must comply with all adopted codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a mobile home, all construction, insulation, plumbing, or electrical apparatus shall conform to the "Mobile Home Construction and Safety Standards." of the United States Department of Housing and Urban Development. Where any state or local regulation sets a more stringent standard than the "Mobile Home Construction and Safety Standards", then the state or local standard shall apply.

1202.3 MOBILE HOME INSTALLATION.

In the event that a dwelling is a mobile home, it must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the Township Building Code and the rules and regulations of the Michigan Mobile Home Commission. Each mobile home must have a perimeter wall or skirting which has the same dimensions as the dwelling. No mobile home shall have any towing mechanism, undercarriage or chassis exposed.

1202.4 USE OF MOBILE HOMES AND RECREATIONAL EQUIPMENT.

Under the provisions of this ordinance, it shall be unlawful to:

- A. Occupy a mobile home not complying with the provision of this ordinance outside a mobile home park or occupy a travel trailer, camper tent or other recreational vehicle outside of a campground. This provision shall not apply to mobile homes which may be utilized on any property in any district after securing a temporary use permit from the Zoning Administrator, when a new structure or building is being constructed. Said permit shall be authorized for one (1) year, but may be extended one (1) time for an additional year at the request of the property owner provided reasonable assurance can be given that construction of the new building or structure will be completed during the extended period.
- B. Use a mobile home, travel trailer or any other similar unit for any business, occupation or trade.
- C. Occupy a basement as a temporary or permanent dwelling unit.
- D. Use tents, campers, travel trailers or any other recreational equipment for temporary lodging on vacant lots without a temporary use permit secured by the property owner. Said permit shall be issued by the Zoning Administrator. When issuing such a permit, the Zoning Administrator shall consider such facts as: lot size, location of the temporary use, number of persons occupying the temporary use, any potential noise and disturbance which may result from such use, whether sewerage facilities and water supply are adequate, and whether the property can adequately provide off-street parking space for the temporary use. The Zoning Administrator shall have discretionary authority to set conditions on such use based on factors noted above and the duration of said use shall not exceed fourteen (14) days in any consecutive four (4) month period. Property owner shall be responsible for posting said temporary use permit in a conspicuous location on the property to be occupied.

1202.5 ACCESSORY STRUCTURES.

- A. In the case of double frontage lots, accessory buildings shall observe front yard setback requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block.
- B. No garage, utility or accessory building shall be constructed upon or moved to any parcel of property until the principal building on, or intended to be erected thereon, is at least two-thirds ($\frac{2}{3}$) completed except that construction of an attached garage may proceed with the construction of the dwelling, unless otherwise provided herein.

SECTION 1203. SUPPLEMENTARY PARCEL REGULATIONS

1203.1 STREET ACCESS.

No building permit shall be issued for any construction located on any lot or parcel of land in the Township of Lake that does not abut on a public street, highway, or private road.

1203.2 REQUIRED AREA OR SPACE.

A lot, yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this ordinance. If already less than the minimum requirements of this ordinance, a lot or lots in common ownership, or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.

1203.3 LOTS HAVING FRONTAGE ON TWO STREETS.

Buildings on lots having frontage on two (2) intersection or non-intersection streets shall comply with front yard requirements on both such streets unless no principal buildings front on one of the back fronts; in such cases, it may be considered as rear yard for accessory building placement.

1203.4 WATERFRONT EASEMENTS.

~~When two (2) or more families, legal entities, or parties share access on navigable water without residing on said frontage, such common usage and/or ownership of the waterfront shall be governed by this section. The provisions herein shall apply regardless of whether access to the waterfront is gained by easement, common or joint ownership, single fee ownership, lease, license, site condominium unit, stock or membership in a corporation, or any other means.~~

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- A. ~~No more than two (2) boat/watercraft hoists, rafts, or any means of anchorage will be allowed for any fifteen (15') to twenty five (25') feet of water frontage;~~
- B. ~~No more than three (3) boat/watercraft hoists, rafts, or any means of anchorage shall be allowed for any twenty five (25') feet up to one hundred (100') feet of easement;~~
- C. ~~No more than four (4) boat/watercraft hoists, rafts, or any means of anchorage shall be allowed per one hundred (100') feet of easement;~~
- D. ~~All boat/watercraft hoists must be placed in a direct line perpendicular to the shore, one beyond the next, extending from the shore.~~
- E. ~~Multiple hoists shall be clustered in groups with no less than five (5') feet in between hoists;~~
- F. ~~No docks shall be allowed.~~
- G. ~~Boat/watercraft hoists may not be stored on easements.~~

Repealed 10.15.2012

1203.5 CLEAR VISION CORNERS.

On any corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one half (2½') feet and eight (8') feet above the established curb or shoulder grade within a triangle formed by the two (2) street right-of-way lines.

1203.6 MINIMUM GRADES.

The grade line at a house within fifty (50') feet of the roadway shall not be less than one fourth (¼) of an inch per foot above the established grade as determined by the Huron County Road Commission.

No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner as to cause ponding or surface accumulation of such runoff thereon.

1203.7 OUTDOOR STORAGE AND WASTE DISPOSAL.

All uses established or placed in operation in any Zoning district after the effective date of the Zoning Ordinance shall comply with the following limitations:

- A. All outdoor storage facilities which exceed two hundred (200) square feet shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.
- B. No materials or wastes shall be deposited on the premises in such form or manner that they may be transferred off the premises by natural causes or forces.
- C. All materials or wastes shall not be allowed to accumulate on the premises in such a manner as to extend above the height of the enclosing wall or fence, be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.

1203.8 EXISTING JUNK YARDS.

All existing junk yards, which are nonconforming uses, shall be removed or screened from view by a solid uniformly painted wall or fence which is eight (8') feet in height, or a regulative screen approved by the Zoning Administrator above which no material or storage shall be easily visible with six (6) months from the time the Zoning Administrator notifies the property owner in writing that he has such a junk yard. The Zoning Board of Appeals, after public hearing, may authorize an extension of the six (6) months time requirement for removal of a nonconforming junk yard for a period not to exceed eighteen (18) months. The Zoning Board of Appeals, granting an extension of time as stated above, at its discretion may make mandatory any clean up, fencing, or other requirements it deems necessary so that the junk yard will not be detrimental to adjacent properties or the surrounding neighborhood.

1203.9 USE OF YARD SPACES AND OTHER OPEN AREAS FOR JUNK STORAGE.

No machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks, unsightly noxious weeds or other materials either discharged, unsightly or showing evidence of a need for repairs, with or without a current license, shall be placed, stored, parked, abandoned or junked in any open area that is visible from the street, public place or adjoining residential property for longer than forty-eight (48) hours. In the event the above items are permitted to be placed, stored, parked, abandoned or junked in such area, the Zoning Administrator shall give written notice to the owner of the premises on which said item is stored and/or to the owner of the stored item to remove, or cause to be removed said item within forty-eight (48) hours after giving of such notice. Failure to comply with such notice within forty-eight (48) hours shall constitute a violation of the ordinance. The above notwithstanding, the Zoning Administrator may, upon investigation, issue a letter to the owner or owners authorizing a grace period not to exceed thirty (30) days. This section does not apply to storage of building materials for on-site construction purposes.

1203.10 EXCAVATIONS OR HOLES.

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavation, holes, pits or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety or welfare, is hereby prohibited; provided however, this section shall not prevent any excavation under a permit issued pursuant to this ordinance or the building code, where such excavations are properly protected and warnings posted in such a manner as may be approved by the Zoning Administrator.

1203.11 APPROVAL OF PLANS.

No proposed plan of a new subdivision shall hereafter be approved by either the Township Board or the Township Planning Commission unless the lots within such a plat equal or exceed minimum size, width and other requirements set forth in the various districts of this ordinance and unless such plat fully conforms with the statutes of the State of Michigan, Public Act 288 of 1967.

1203.12 LOT AREA, YARDS, AND OPEN SPACE REQUIREMENTS.

Space which has been counted or calculated as part of a side yard, rear yard, front yard, court, lot area or other open space to meet the requirements of this ordinance for a building, shall not be counted or calculated to satisfy or comply with a yard, court, lot area or other open space requirement for any other building.

An open porch or paved terrace may occupy a required front yard provided that the unoccupied portion of the front yard furnishes a depth of not less than fifteen (15') feet from the front lot line and the highest finished elevation of the paved area or porch cannot exceed eighteen (18") inches above the average surrounding finished grade.

SECTION 1204. SUPPLEMENTARY STRUCTURE REGULATIONS

1204.1 HEIGHT EXCEPTIONS.

The following buildings and structures shall be exempt from height regulations in all Zoning Districts, parapet walls not exceeding three (3') feet in height, chimneys, cooling towers, elevator bulkheads, belfries, flag poles, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, church spires, penthouses housing necessary mechanical appurtenances, electrical transmission towers, and television and radio reception and transmission antennas and towers.

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- A. Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas, wireless communication towers, microwave, relay towers or power generation towers shall be permitted to a maximum height of one hundred seventy-five (175') feet in the Agricultural District.

- B. Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45') feet in any Residential Zoning district. However, in no case shall the height of such antenna or flagpole exceed the height of the roof peak by more than fifteen (15') feet.