



LAKE TOWNSHIP

Zoning Ordinance

DRAFT v1

Adopted: TBD

Effective Date: TBD

Amended Through: TBD

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ARTICLE 1: TITLE & PURPOSE

1.1 TITLE

This ordinance shall be known as the Lake Township Zoning Ordinance. The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning the operation of this Ordinance shall be implemented and accomplished pursuant to the Michigan Zoning Enabling Act, as amended.

1.2 AREA OF JURISDICTION

The provisions of this Ordinance shall apply to all lands, public and private, throughout the incorporated areas of the Lake Township, Benzie County, Michigan, to the extent permitted by law. The area of jurisdiction is referred to herein as the "Township." This shall include all land, buildings, yards, wetlands, woodlands and shoreline within the Township, including riparian lands and bottomlands of water bodies and shall be concurrent with other governmental entities having jurisdiction thereover. The concurrent jurisdiction of other governmental entities shall not limit the jurisdiction of the Township to regulate lands or activities within the Township, unless specifically exempted by another law.

1.3 AUTHORITY

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

1.4 PURPOSE

In accordance with the authority and intent of Michigan Zoning Enabling Act, Public Act 110 of 2006 as amended, the Township desires to provide for the orderly development of the Township, which is essential to the wellbeing of the community and which will place no undue burden upon developers, industry, commerce, or residents. The Township further desires to:

- A. Promote the public health, safety and general welfare;
- B. Encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land and protect water resources;
- C. Control sprawl, guide development, redevelopment, and maintain rural Northern Michigan character;
- D. Control congestion on the public roads;
- E. Facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties;

- F. Consider the character of each district, its suitability for particular uses, the existing property values and natural resources, and that the trend and character of land uses, building and population development are appropriate for community needs.

1.5 RELATIONSHIP TO THE MASTER PLAN

This Ordinance is a tool used by the community to effectuate the recommendations of the Lake Township Master Plan and other planning documents, which serve as a guide to the long-term physical development of the Township.

1.6 VALIDITY AND SEVERABILITY

If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section, or part directly involved in the controversy in which said judgment shall have been rendered.

1.7 REPEAL OF PRIOR ORDINANCE

The Lake Township Zoning Ordinance effective July 22, 2010 is hereby repealed with the provision that a situation that was not a lawful, non-conforming situation under the previous Zoning Ordinances does not achieve lawful non-conforming status under this Ordinance and a lot which was not a lot of record under the previous Zoning Ordinances does not achieve the status of a new lot of record herein.

1.8 COMPUTATION OF TIME

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

1.9 AMENDED MICHIGAN STATUTES

Whenever any provision of this Ordinance refers to or cites any agency, act, or law and the agency, act or law is later amended or superseded, the new agency, act, or law shall apply in place of the old reference.

ARTICLE 2: GENERAL PROVISIONS

2.1 SCOPE

Except as otherwise provided in this Ordinance, no lot or parcel of land, no existing building, structure or part thereof and no new building, structure or part thereof shall hereafter be located, erected, constructed, reconstructed, altered or used for purposes other than in conformity with the provisions of this Ordinance which shall apply to all land use districts in the Township of Lake.

2.2 APPLICABILITY

Unless otherwise specifically stated, the provisions of this Article shall apply to all lands within the Township and within all zoning districts. As an aid to users, this Ordinance cross-references sections that are or might be applicable to other sections. An incorrect or lack of cross-reference does not relieve a person from complying with all applicable requirements of this Ordinance. The Ordinance must be read and applied “as a whole.”

2.3 VESTED RIGHT

Nothing in this Article should be interpreted or construed to give rise to permanent vested rights in the continuance of any particular use, district, zoning classification, or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change, or modification, as may be necessary to the preservation or protection of public health, safety, and welfare.

2.4 CONFLICTING ORDINANCE OF REGULATION

Where this Ordinance or portions thereof, impose greater restrictions upon the use of structures or land or upon height or bulk or structures, or requires larger open spaces or yards than imposed by any other Ordinances or State or Federal regulations, deed restrictions, or private covenants relating to Lake Township, the more restrictive provisions shall govern.

2.5 PERFORMANCE STANDARDS

All activities, in any zoning district, shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light onto neighboring properties, adjacent streets or public right of ways.

2.6 REQUIRED WATER SUPPLY & SANITATION FACILITIES

Buildings erected, altered or moved upon any premises and used in whole or in part as either year-round or seasonal dwellings or for recreational, business, commercial or industrial purposes, including religious institutions, schools, and other buildings in which persons customarily congregate, shall have adequate water and sanitary facilities as determined by the County Health Department.

2.7 PROHIBITED USES

No building or structure or part thereof shall be erected, altered or used, or land used, in whole or in part, for any use, process or activity resulting in the emission of odor, fumes, dust, smoke, waste, noise or vibration, light encroachment, accumulation of trash or other unsightly conditions which shall make it obnoxious to the public interest, health or welfare, or is not specifically permitted by the terms of this Ordinance.

2.8 DWELLINGS ON MORE THAN ONE LOT

If a structure is to be located on a parcel of land containing 2 or more lots under single ownership, the entire parcel shall be considered a "lot" for purposes of this Ordinance.

2.9 ACCESS TO ROAD

In any zoning district, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public road right-of-way, or a private road easement held in common by all property owners abutting and shall be shown on all sketch and site plans.

2.10 BARRIER FREE MODIFICATION

Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act.

2.11 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, County Building Official, or Public Health Inspector.

2.12 RELOCATION OF BUILDINGS

The relocation of a building to a different location in the Township shall be the same as erection of a new building, and all applicable provisions, regulations, and required permitting shall be followed and obtained.

2.13 DEMOLITION OF BUILDINGS

No structure shall be demolished until a demolition permit has been issued by the Zoning Administrator. The demolition shall be completed within such a reasonable time period as shall be prescribed by the Township and under conditions that may be specified by the as necessary to protect the public health, safety and welfare. The demolition of structures within the Township shall comply with the following:

- A. An application for a Demolition Permit shall include the reasons for the demolition and the intended use of the property following demolition. If the intended use is not permitted under the property's current zoning, a Demolition Permit shall be withheld until such time as approval for the

new use is obtained, unless the property is deemed a hazard or attractive nuisance to the general public.

- B. Following demolition of the structure and the removal of all required debris, any excavation or foundation shall be backfilled with clean fill and the site graded to meet existing grades at the property lines and prevent drainage of surface water onto abutting properties.
- C. Following grading, all non-paved areas shall be top dressed with a minimum two (2) inches of topsoil and seeded with an appropriate grass seed.
- D. An accessory building remaining on a property following the demolition of the principal structure shall be maintained in good condition.

2.14 TEMPORARY BUILDINGS FOR CONSTRUCTION

Temporary buildings or structures may be utilized during construction for the storage of construction materials and for construction offices during a construction period of an approved project. Temporary buildings shall be removed within thirty (30) days after the completion or abandonment of the work. No temporary building or structure shall be used as a dwelling unit.

2.15 CONSTRUCTION STANDARDS, COMPLETION, AND OCCUPANCY

- A. All structures requiring a building permit shall be designed and constructed to meet any requirements of the Michigan State Construction Code, as amended, and with all applicable regulations adopted thereunder.
- B. Any construction in any district must have all exterior work completed and inspected within 180 days from date a building permit is issued. Any extensions of permits may only be granted through the Township Board.
- C. All uses, including non-conforming uses shall obtain a certificate of occupancy from the Benzie County Construction Codes Department when a certificate is required by the State Construction Code.
- D. All of the requirements and conditions contained in any development approvals applicable to the property, including zoning, site plan, and other Township approval, that have not been met at the time of the issuance of the development approval, shall be required to have been met before the issuance of any certificate of occupancy.

2.16 VOTING PLACE

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

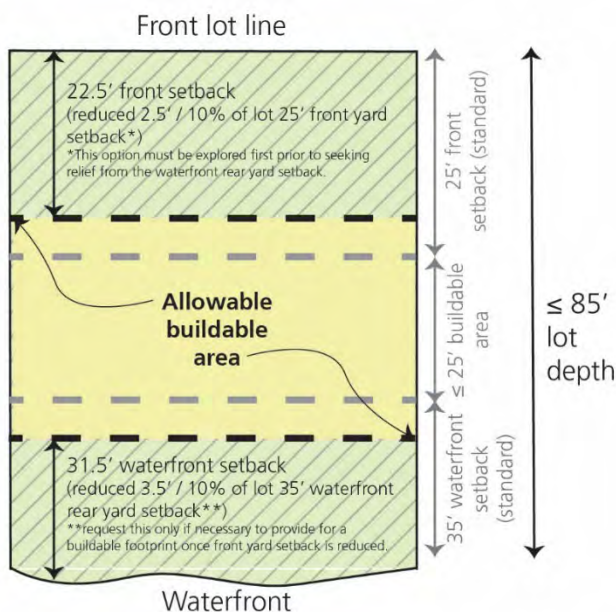
2.17 YARD PROJECTIONS

Architectural features may encroach into required yards as follows:

- A. Cornices, eaves, sills, fireplaces, flues, ornamental features and other similar features may extend or project into a required yard a distance of not more than twenty-four (24) inches.
- B. Uncovered and unenclosed ground story decks, patios or terrace less than thirty (30) inches above grade may project into a required yard a maximum of fifty (50%) percent of the required rear or side yard, and ten (10) feet into a required front yard.
- C. Covered or enclosed porches that extend from the ground floor level of a residential structure may project into a required front yard setback a maximum of five (5) feet.
- D. No permitted projection shall be allowed to encroach into a public right-of-way..

2.18 HEIGHT EXCEPTIONS & LIMITATIONS

- A. Parapet walls may extend above the maximum height specified in the respective district by up to five (5) feet.
- B. Freestanding telecommunications towers may exceed the maximum height specified in the respective district.
- C. Architectural features associated with religious institutions shall be exempt from district height limits.
- D. Flagpoles, television, amateur radio towers and similar devices, heating, air conditioning and similar equipment, fixtures and devices.
- E. Chimneys attached to residential dwellings may extend above the maximum height specified in the respective district only to the extent required to meet fire and state construction codes.



Example not to scale

2.19 LOT & YARD AREA REQUIREMENT EXCEPTIONS

On any lot of record where the front and rear yard setbacks reduce the buildable area to less than twenty-five (25) feet in depth, the Zoning Administrator is authorized to reduce both the front yard and the rear yard setback requirement by up to ten (10) percent of the depth of the setback to enlarge the buildable area up to twenty-five (25) feet. If the rear yard abuts a lake or stream, emphasis shall be given to the protection of the lake or stream. The front yard setback shall be reduced up to the full ten (10) percent first before the rear yard setback is reduced.

2.20 OUTDOOR STORAGE

Storage of materials or goods to be sold at retail or used as services are prohibited except where allowed in Article 3. All allowed outdoor storage must take place in a rear or side yard, screened from view, and be an accessory incidental to the principal use of the parcel.

2.21 PUBLIC USES: CRITICAL, ESSENTIAL, & SUPPORTING

- A. Critical, essential, and supporting public uses and facilities, as defined by this Ordinance, shall be allowed in any zoning district by right. All applicable ordinances or laws shall apply.
- B. All structures associated with a public use shall be subject to applicable setbacks for the district in which they are located. Public buildings and their local supporting service uses, shall be permitted provided the arrangement of property uses shall minimize the impact on scenic views, and if feasible, the site design shall mitigate negative impacts related to building size, noise, lighting, and traffic. Planning Commission site plan approval and a zoning permit shall be required.
- C. The erection, construction, alteration, maintenance, and operation by utility agencies or municipal departments or commission, shall be permitted as authorized or regulated by any laws and the ordinances of the Township.
- D. Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted by this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

2.22 REFUSE RECEPTACLES

All trash and refuse stored outdoors shall be placed in a designated container and shall meet the following standards:

- A. Dumpsters shall only be used for residential structures serving more than four (4) dwelling units on a single lot and for non-residential uses. An exception shall be made for temporary dumpsters used for construction projects that have been approved through a zoning permit or building permit and shall be removed within seven (7) days after the work has been completed.
- B. Dumpsters shall be placed on a re-enforced, concrete pad and shall have a concrete approach large enough to accommodate a truck used for emptying the dumpster(s).
- C. All dumpsters shall be screened on all sides with a masonry wall or of materials that match the front facade of the principal structure and shall include an opaque gate.

2.23 POWER GENERATORS

- A. Back-up power generators may be permitted as an accessory structure and shall be subject to the following standards:
 - 1. Serve as a back-up power generation system only to be operated under emergency situations when power supply is disrupted and for routine maintenance and system checks;

2. Prohibited from any front yard, side setback, and rear setback;
3. Not be visible from the public right-of-way without adequate screening that exceeds the height of the generator by at least one (1) foot.
4. Subject to all applicable Township ordinances, including but not limited to those governing noise.

2.24 ACCESSORY BUILDINGS, STRUCTURES, & USES

- A. **Accessory Building as Dwelling:** No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.
- B. **Accessory to Permitted Residential Dwelling in Residential Districts:** No accessory building, structure, or use may be placed on a lot without a foundation first being in place for an associated permitted principal structure, except as below. However, an accessory structure may be constructed on a separate lot(s) provided the separate lot(s) is immediately adjacent to the lot on which the principal use structure is located and both lots are, and will remain, under common ownership.
- C. **Accessory Prior to Residential Dwelling in R-2 and C-1 Districts:** Non-Commercial storage buildings used for non-commercial activities shall be allowed in the R-2 and C-1 Districts without the presence of a principal use provided they meet all of the applicable requirements of this Ordinance.
- D. **When Attached to a Principal Building or Structure:** Accessory buildings or structures structurally attached to a principal building or structure shall be subject to all the regulations of this Ordinance applicable to principal buildings, structures, and uses.
- E. **Swimming Pools.** Swimming pools shall be permitted as an accessory use, in any residential district, subject to the following restrictions:
 1. Private pools shall meet required yard setbacks.
 2. There shall be a distance of not less than six (6) feet between the outside pool wall and any building located on the same lot.
 3. For the protection of the general public, swimming pools shall be completely enclosed by a fence not less than four (4) feet in height capable of excluding children and small animals and containing gates of a self-closing or latching type. Gates shall be capable of being securely locked when the pool is not in use.
- F. **Prohibited Accessory Buildings, Structures and Uses:** Transient (shipping) containers are not permitted as an accessory structure or building. No mobile home, tank, junk object, salvage materials, trailer, vehicle, or similar item shall be utilized as an accessory building or storage structure; provided, however, the above requirements shall not be applicable to:

1. Temporary offices, tool sheds or similar temporary storage structures, used pursuant to permitted construction, so long as the period of construction does not exceed two (2) years. All such structures shall be removed prior to issuance of a Certificate of Occupancy or the closing out of a permit.
2. Underground storage tanks accessory to a permitted use. Said tanks, including the operation of same, shall meet all State and Federal permitting and monitoring requirements.
3. Storage/shipping containers, such as PODS (Portable On Demand Storage units), shall be allowed as a temporary use within the Township for a period not to exceed fourteen (14) days. Such containers shall only be for the use of the person utilizing the storage/shipping container for moving of goods and materials. At no time shall any container be placed as a permanent structure within any zoning district. Only one (1) container may be placed at any residentially zoned property or use at a time.

2.25 ANTENNAS & SATELLITE DISHES

Antennas and satellite dishes, wherever possible, shall be located in the rear yard or side yard, but shall conform to the setback requirements, shall be ground mounted, bonded to a grounding rod, and shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.

2.26 CORNER LOT SETBACKS

Structures located on corner lots shall observe the minimum required front yard setback from all street rights-of-way.

2.27 DAMAGED BUILDINGS

Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months from the date of the occurrence of the damage or the effective date of this Ordinance.

2.28 FENCES, WALLS, & SCREENS – GENERAL REQUIREMENTS

- A. Height shall be measured from the average finished grade between two (2) fence posts and the top of the fence between said posts.
- B. Fences shall be wholly on the property they are intended to serve.
- C. The finished side of the fence shall face outward away from the property.
- D. Fences shall be made of durable materials. Fences shall not be made of or include barbed wire, razor wire, electrified materials, or any other dangerous material, pallets, slabwood, or chicken wire in the residential, commercial or mixed use districts.

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2.29 FIRE HAZARDS

Each dwelling unit shall be provided reasonable vehicular access by a driveway which may be negotiated under normal weather conditions by emergency vehicles and an emergency vehicle set up area suitable for accommodating fire-fighting apparatus shall be provided within a reasonable distance of a structure.

Driveways shall be clear to a width of fifteen (15) feet and an overhead clearance of fifteen (15) feet throughout its length and shall not exceed fifteen (15) percent in grade except by waiver by the fire department.

2.30 HAZARDOUS LIQUID CONTAINMENT

Secondary containment structures shall be required to protect the environment from accidental spills of all hazardous liquids. Hazardous liquids shall include all “hazardous wastes” as defined by Act 64 of 1979, that are in liquid form.

Secondary containment structures shall include structures such as but not limited to dikes and berms surrounding transfer and storage areas, enclosed structures and interior storage rooms with sills and no floor drains. All secondary containment structures shall be at least large enough to hold the capacity of the largest drum or tank in the transfer or storage area.

No floor drains shall be permitted in any areas involving the transfer or disposal of hazardous liquids unless all hazardous liquids are collected and properly treated or disposed of off-site.

2.31 KEEPING OF LIVESTOCK & PETS

- A. The raising or keeping of small animals such as rabbits, poultry, goats and sheep, for personal use, shall not occur on a lot or parcel of less than one (1) acre. The raising or keeping of livestock such as cattle, horses and hogs, for personal use, shall not occur on a parcel of land less than two and one-half (2 ½) acres in area.
- B. The carrying out of such practices shall not generate any noise, odor, pollution or other environmental impact which will have an adverse effect on adjacent properties.
- C. No storage or unusual accumulation of manure or odor or dust-producing materials shall be permitted within one hundred (100) feet of any property line.
- D. No building or storage of mechanical equipment for agricultural purposes or housing of animals shall be permitted closer than one hundred (100) feet of any property line.

2.32 CLEARING AND GRADING OF LAND

Land within Lake Township shall not be cleared of trees or graded, in any manner, without first obtaining a land use permit. Clear cutting of property shall be prohibited unless provided for in a forestry management plan completed by a Certified Arborist.

As much of the existing vegetation, including bushes, shrubs, natural ground cover, and trees, shall remain on the site as possible. Lawn areas shall not qualify as natural vegetative cover required in this

section. The required amount of vegetative area to remain undisturbed shall be based on the existing slope on the site and shall be clearly indicated on the proposed site plan or sketch plan. The natural vegetative areas shall be located along lot lines, natural drainage courses, wetlands, and steep slopes to the extent possible. In the case of PUDs, PRDs, Site Condos and Open Space Residential Developments, each individual lot need not meet the requirements of the section, provided that the total project does meet the requirements of this section.

Percent of Lot to Remain in Natural Vegetative Cover	Existing Slope
30 Percent	12 to 17.99 Percent
40 Percent	18 to 24.99 Percent
50 Percent	25+

- A. Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
- B. All trees intended to remain standing and undamaged shall be clearly marked on the proposed site plan.
- C. In order to protect the trees and the roots of the trees, all structures and roads shall be set back at least ten (10) feet from the trees identified on the site plan to be left standing or undamaged.
- D. Wherever feasible, groups or clumps of trees shall be preserved to encourage survival of the root zone.
- E. Exceptions to the requirements of this subsection are as follows:
 1. Tree removal or transplanting occurring during use of land for agriculture or the operation of a commercial nursery or tree farm.
 2. Actions made necessary by an emergency, such as a tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease, or other disaster, in order to prevent injury or damage to persons or property or to restore order.
 3. Tree trimming, removal or transplanting performed on or behalf of any governmental agencies.
 4. Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees.
 5. Removal or trimming of dead, diseased, or damaged trees where the damage resulted from an accident or non-human cause.

2.33 PERSONAL WIND ENERGY CONVERSION SYSTEMS (WECS)

- A. A land use permit and building permit are required.
- B. One (1) WECS per parcel is allowed.
- C. Shall not be located in the front yard setback.

- D. Setback from any property line shall be 110 % of the total height of the system.
- E. Noise emanating shall not exceed 50 dB(A) measured at the property line.
- F. Color shall be a neutral non-reflective industry standard.
- G. Applicant shall provide written documentation that the system will not interfere with radio and television transmission and reception, and other communication systems.
- H. Lighting shall not be allowed.

Towers with heights up to 100 feet may use guy wires, towers taller than 100 feet shall be free standing. If guy wires are used to stabilize the tower, they shall be covered with a suitable material from the ground to a height of six feet so as to be noticeable.

- I. Only wind turbines that are UL certified and systems that are certified by a program recognized by the American Wind Energy Association will be allowed.

2.34 PRIVATE ROADS

Private roads shall meet the requirements of the Lake Township Private Road Ordinance.

2.35 USE OF OPEN SPACE, STORAGE OF RECREATIONAL VEHICLES AND INOPERABLE VEHICLES

- A. No open yard surrounding a dwelling, or structure used for dwelling purposes, may be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, secondhand building materials or other discarded, abandoned or rubbish-like materials or structures.
- B. The location, parking or storage of recreational vehicles shall be allowed on a lot used for a dwelling, provided, wherever possible, such location, parking, or storage is not in the front yard nor in the setback areas required for structures in the side and rear yards.
- C. No outdoor storage or parking of vehicles or trucks, over one (1) ton rated capacity, or similar heavy equipment or construction equipment, shall be permitted in a yard or on a lot other than for the temporary parking of trucks or equipment engaged in construction on the site or being used for temporary pickup or delivery purposes.

2.36 VISIBILITY AT INTERSECTION

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above street grade on any corner lot or parcel within the triangular area formed by the intersecting street right-of-way lines and straight line joining the two street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines.

2.37 YARD SALES

Yard sales or garage sales may be permitted; provided such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any ninety-day (90) period. And provided further that such sales are conducted only on a lot upon which a principal use is located.

2.38 PERSONAL SOLAR INSTALLATIONS

Personal solar installations attached to permitted principal or accessory buildings shall be permitted subject to the following regulations:

- A. **Glare:** Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
- B. **Land Use Permit/ Building Permit:** Solar energy systems shall conform to applicable industry standards. A land use permit shall be obtained for a solar energy system and comply with the building, electrical codes and all other state law and local ordinances.
- C. **Attached to building:** Where attached to a building, the solar panels shall be subject to the same regulations as the building in terms of height and setbacks. Solar panels may be attached to the roof or the building wall, but not both.
 - 1. Roof mounted panels shall include solar panels integrated as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.
 - a. Solar panels integrated as the surface layer of the roof structure may be located on any part of the roof.
 - b. Separate flush-mounted solar panels may only be located on a front, rear- or side-facing roof.
 - c. Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
 - d. Solar panels mounted on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features.
 - 2. Flush-mounted solar panels on the building wall may only be attached to one (1) side or rear building façade and shall not face a street or roadway.
- D. **Free-standing:** Solar panels that are not attached to a building shall not be allowed in the Township.

2.39 OUTDOOR WOOD BURNING FURNACES

An outdoor furnace may be installed and used in the township only in accordance with the following provisions:

- A. The outdoor wood furnace shall have a permanently attached stack with a minimum stack height of 15 feet above the ground that also extends at least two feet above the highest peak of any residence not served by the outdoor wood furnace located less than 200 feet from the outdoor wood furnace.
- B. Fuel burned in the outdoor wood furnace shall be only clean wood, wood pellets made from clean wood or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.
- C. The following items are strictly prohibited in outdoor wood furnaces:
 - 1. Any material not listed in Section B above.
 - 2. Wood that has been painted, varnished, or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - 3. Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.
 - 4. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - 5. Rubber, including tires or other synthetic rubber-like products.
 - 6. Newspaper, cardboard, or any paper with ink or dye products.
 - 7. Any other items not specifically allowed by the manufacturer or this provision.
- D. Outdoor wood furnaces installed on or after June 1, 2018 must comply with the following provisions:
 - 1. The outdoor wood furnace shall be constructed, established, installed, operated, and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
 - 2. The unit must be specifically designed for exterior installations (installing a heating system that was designed, tested, listed and /or approved for interior installation outside of a building or enclosure is not acceptable).

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- E. The outdoor wood furnace shall be laboratory tested, and listed by a recognized organization following established recognized safety standards. Nationally recognized organizations include, Underwriters Laboratory, the Canadian Standards Association, and the American National Standards Institute, and may include other bodies specifically recognized by the Township.
- F. The outdoor wood furnace shall be located at least 200 feet from the nearest occupied dwelling, excluding applicants residence.
- G. The outdoor wood furnace shall be located on the property in compliance with manufacturers recommendations and or testing and listing requirements for clearance to combustible materials.

2.40 PARCEL DIVISIONS AND COMBINATIONS

No division of land shall occur unless such land division is in compliance with the State of Michigan Land Division Act (PA 288 of 1967, as amended), Lake Township Land Division Ordinance, and this Ordinance.

2.41 DENSITY CALCULATIONS

The permitted density of residential developments shall consider the existing slope of the site. The maximum number of dwelling units shall be as follows:

Maximum Density Without Sewers	Maximum Density With Sewers	Existing Slope
1.00 Unit Per Acre	2.00 Units Per Acre	12 to 17.99 Percent
0.75 Unit Per Acre	1.50 Units Per Acre	18 to 24.99 Percent
0.50 Unit Per Acre	1.00 Unit Per Acre	25+

2.42 DEVELOPMENT OF SLOPES OF TWENTY FIVE (25) PERCENT OR GREATER

Development on slopes of twenty-five (25) percent or greater shall be prohibited unless there are no other reasonable or prudent alternatives. If the property owner believes that no reasonable or prudent alternatives exist, he or she must first obtain a Special Land Use Permit prior to any development of slopes of twenty-five (25) percent or greater. In reviewing the special land use request, Planning Commission must find that the following conditions are met:

- A. That no other reasonable or prudent alternatives exist.
- B. That the development will not create excessive soil erosion or sedimentation and that it will not impair the quality of water discharged from the site.

- C. That the peak rate of stormwater runoff after development will not exceed the peak rate of stormwater runoff that has occurred prior to the proposed development.

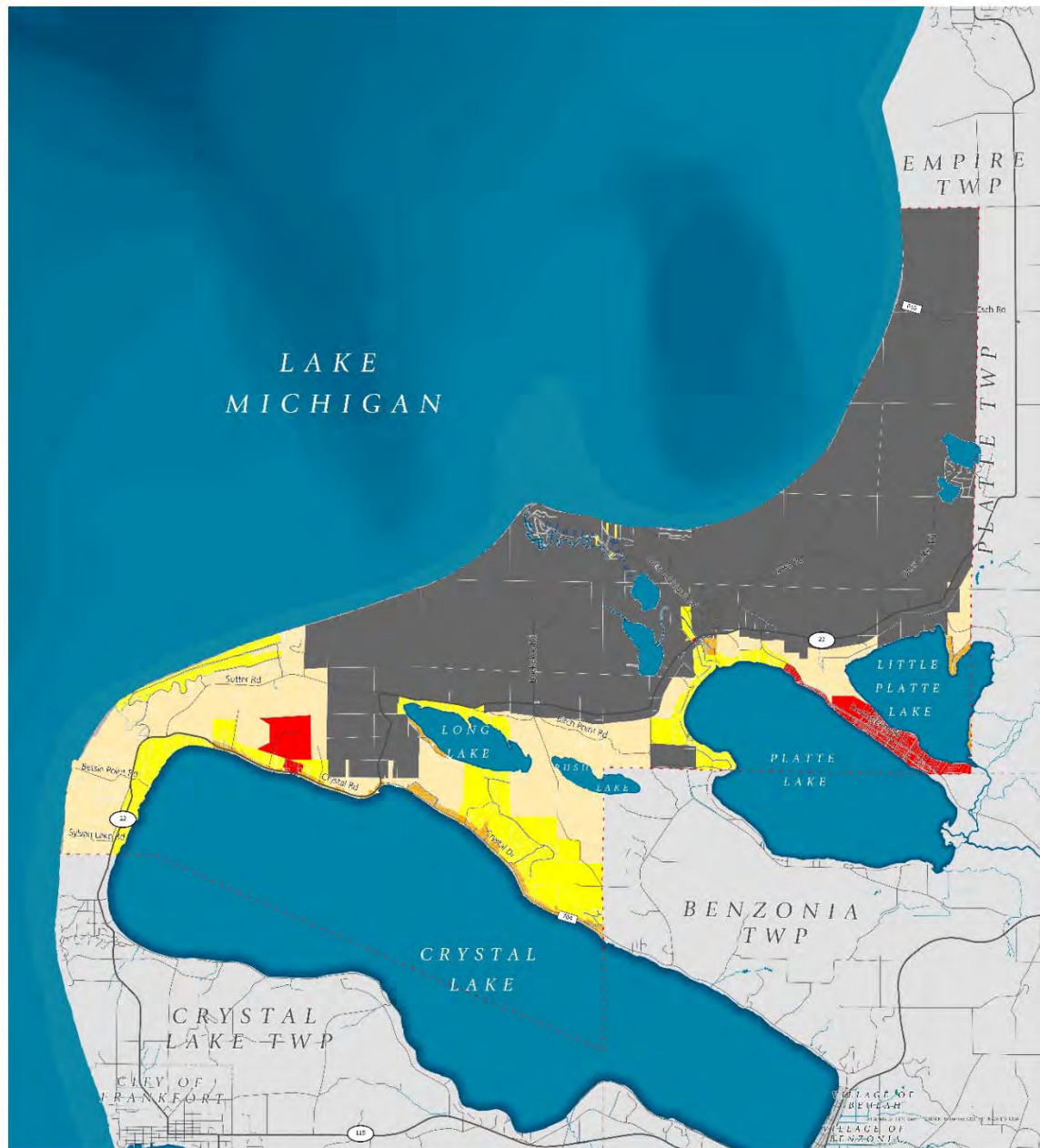
2.43 DEVELOPMENT ON RIDGE LINES

A “ridge line” shall be defined as a line at which a critical slope area breaks to a slope of less than eight (8) percent for a distance of at least twenty (20) feet. A “critical slope area” shall be defined as all slopes facing Crystal lake that have a significant portion of their grade being twelve (12) percent or greater for a distance of at least one hundred (100) feet.

- A. All principal buildings shall be set back at least fifty (50) feet from all ridgelines.
- B. All principal or accessory buildings or structures located within one hundred (100) feet of a ridgeline shall not exceed eighteen (18) feet in height.
- C. All accessory structures, such as but not limited to signs, sheds, garages, and satellite dishes, shall be set back at least thirty (30) feet from all ridgelines.
- D. A principal building setback from the ridge line of only twenty (20) feet may be permitted if any of the following conditions exist:
 - 1. There are no other reasonable or prudent alternatives to achieve the required fifty (50) foot setback.
 - 2. There would be significant environmental consequences if the fifty (50) foot setback was required.
 - 3. The building is not located within a special or unique viewing area or view shed.
- E. All existing vegetation located within twenty (20) feet on either side of the ridgeline shall be maintained as a vegetative buffer in accordance with this section.
- F. Removal of vegetation in the natural vegetative buffer shall be limited to no more than twenty-five (25) percent of the length of this buffer, provided that cutting of this twenty-five (25) percent shall not create a clear-cut opening greater than twenty-five (25) feet wide for every one hundred (100) feet of ridge line.
- G. Natural shrubbery, trees, or other vegetation shall be preserved as far as practical and, where removed, shall be replaced with other naturally occurring vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty. A mowed lawn is not a desirable vegetative buffer adjacent to the ridgeline.
- H. Native plants, shrubbery, and trees are encouraged when new vegetation is planted.
- I. Existing soil and organic matter shall not be altered or disturbed within the natural vegetative buffer.

ARTICLE 3: ZONING DISTRICTS & MAP

3.1 ZONING DISTRICTS AND MAP



Zoning and Future Land Use

12/20/2024 **DRAFT**

Sources: Michigan Open Data Portal, Township

- Township
- C/R - Commercial Resort
- G - Government
- L/R - Lakeshore Residential
- R-1 - Residential Single Family
- R-2 - Rural Residential

1 Miles
Beckett & Raeder, Inc.

- A. Zoning Districts Established: For the purpose of this Ordinance, the Township is hereby divided into the following Districts:

L/R Lakeshore Residential
R-1 Residential, Single Family
R-2 Residential, Rural
C/R Commercial/Resort
C-1 Commercial, General
G Government

- B. Overlay District Established: In addition to the above established zoning districts, the following overlay districts are established and regulated in Article 4:

Watershed Overlay Districts

- C. Zoning Map: The boundaries of the zoning districts established by the Ordinance are shown on a map or series of maps designated the "Official Zoning Map". The Official Zoning Map including all notations, references, data, and other information shown therein, is adopted and made a part of this Ordinance as fully as if it were contained within the pages of this Ordinance.
- D. Location: The Official Zoning Map is filled in the office of the Township Clerk.
- E. Updates: The Township Board may adopt amendments to the district boundaries designated on the Official Zoning Map upon review and recommendation by the Lake Township Planning Commission.
- F. Zoning District Boundaries: Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:
1. The district boundaries are public rights-of-way including either streets, places or alleys unless otherwise shown; where the districts designated on the Official Zoning Map are approximately bounded by street, road, place, or alley lines, the same shall be construed to be the boundary of the district.
 2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines; where districts designated on the Official Zoning Map are approximately bounded by lot lines, the same shall be construed to be the boundary of the districts, unless otherwise indicated on the Official Zoning Map.
 3. Whenever any street, road, alley, place, or other public way is officially vacated by the Township or Benzie County Road Commission, the district adjoining each side thereof shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.
 4. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by rules "1" through "3" above, the Zoning Administrator shall provide an opinion of the boundaries.

5. Any dispute in the opinion of the zoning district boundaries from the Zoning Administrator shall be heard by the Zoning Board of Appeals for a final determination.
- G. Zoning District Regulations: The following Sections of this Article regulate the uses, dimensional standards, principal building form, landscaping, screening, and off-street parking design for each zoning district. Additional standards related to these items exist throughout the Ordinance and are in effect as applicable.
- H. Determination of Use: If a proposed use is not clearly listed or identified in the Regulated Uses Tables, the Zoning Administrator shall make a determination as to whether or not the proposed use is similar enough to fit within the definition of an existing listed use and should be accommodated. The determination of the Zoning Administrator regarding unclassified uses may be appealed to the Zoning Board of Appeals for a final determination. If a proposed use is found not be similar enough to an existing listed use to be accommodated, a request to add the proposed use through an amendment may be requested subject to the procedures and standards in Article 13.
- I. Interpreting District Regulations:
1. The standards provided in the following Sections are to be interpreted as the minimal requirements, unless explicitly stated as a maximum.
 2. Regulated uses listed as "ZA" approval shall be reviewed by the Zoning Administrator, "SPR" approval type shall require site plan review and listed as "SUP" approval type shall require a special land use permit.
 3. Regulated uses that have additional supplemental use standards are indicated with the Section number where the supplemental use standards can be found.
 4. Additional standards applicable to the items regulated for each zoning district, including but not limited to landscaping, fencing, off-street parking, and loading zones exist within this Ordinance. Nothing in this Article shall exempt a land use or development from satisfying any additional, applicable standards or design requirements contained within this Ordinance.
 5. In addition to the standards in this subsection and those under this Section, all properties within the Waterfront and Village Business Overlay Districts shall be subject to the requirements of the overlay district as presented in Article 4. Where there is a conflict between the standards of this Article and those of the overlay district, those of the overlay district shall supersede the regulations of this Article.

3.2 C-1: GENERAL COMMERCIAL ZONING DISTRICT**3.2.1 Intent & Purpose**

To accommodate retail business, recreational and service activities which serve the particular needs of the area resident as well as tourism. The protective standards for site development applied to this district are intended to minimize the undesirable effects of commercial strip developments along highways and to avoid undue congestion.

3.2.2 Table of Regulated Uses

XX: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
3+ Family Dwelling	SUP		
Accessory Residential Dwelling Units	SUP		
Accessory Structures	ZA		
Accessory Uses	ZA/SPR		
Agricultural Uses	ZA		
Assisted Living Facilities	SPR		
Automobile and Marine Repair and Sales	SUP		
Automobile Service Station	SUP		
Bed and Breakfast Establishment	SPR		
Boarding House	SPR		
Campgrounds	SUP		
Contractors Yard	SUP		
Cultural Institutions	SPR		
Drive Up/Drive Thru Facilities	SUP		
Dwelling Units Above 1st Floor Commercial	SPR		
Eating Establishments	SPR		
Educational Institutions	SUP		
Forestry Uses	ZA		
Golf Courses & Facilities	SPR		
Health Care Services	SPR		
Hotel, Motel, Resort (Less than 10 units)	SPR		
Hotel, Motel, Resort (More than 10 units)	SUP		
Institutional Uses	SUP		
Marinas and Canoe Liveries	SUP		
Mini-Storage Facility	SUP		
Offices	SPR		
Outdoor Sales and Displays	SUP		
Outdoor Storage	SUP		
Personal Service Establishments	SPR		
Public Use-Critical	SPR		

XX: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Public Use-Essential	SPR		
Public Use-Supporting	SPR		
Religious Uses	SUP		
Retail Establishments, less than 5,000 sq ft	SPR		
Retail Establishments, more than 5,000 sq ft	SPR		
Roadside Stands	ZA		
Sexually Oriented Business	SUP		
Solar, Utility	SUP		
Solar, Personal	ZA		
Warehousing	SPR		
WECS, Personal	ZA		
Wireless Communication Towers	SUP		
<i>NOTES: Additional parking standards located in Article 5.</i>			

3.2.3 Dimensional Standards

XX: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	100 feet
Minimum Lot Area	10,000 sq ft
Maximum Density	5,000 sq ft lot area per rental unit or multi- family dwelling unit
Maximum Lot Coverage	Less than 18% slope: 50% 18% to 24.99% slope: 40% 25% or greater slope: 30%
Maximum Impervious Coverage	
Principal Structure	
Front Setback	25 feet
Side Setback	10 feet
Rear Setback	15 feet
Water Setback	35 feet
Maximum Height	28 feet
Minimum Dwelling Size	720 sq ft
Minimum Dwelling Width	20 feet over 50% of the entire structure length
Accessory Structures	
Permitted Locations	Same as Principal
Setbacks	Same as Principal
Maximum Height	Same as Principal
Maximum Ground Floor Area	≤ Principal Structure
<i>NOTES: Additional accessory building standards located in Article 2.</i>	

3.2.4 Fencing

XX: FENCING STANDARDS	
Item	Maximum Height

Front Yard Fences	3 feet
Rear & Side Yard Fences	6 feet
<i>NOTES: Additional fencing standards located in Article 2.</i>	

3.3 L/R: LAKESHORE RESIDENTIAL ZONING DISTRICT

3.3.1 Intent & Purpose

It is the purpose of the L/R District to regulate land uses in the immediate vicinity of the shores of the Platte Lakes, Crystal, Long and Rush Lakes. Generally the area available for development along the lake shore is limited by the natural characteristics of the land, i.e.: bluffs, swamps, etc. This district recognizes the high scenic and economic values of lake shore properties, establishing land uses and development standards which are intended to allow the reasonable use of the lake shore. The district recognizes that small lot sizes are traditional. It also recognizes that undersized lots in the district have uses, especially along the lake edge, which give them value even if not suited to the construction of a residential use. Such uses may include beach access, parking, storage of beach equipment, etc.

3.3.2 Table of Regulated Uses

XX: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
1 Family Dwelling	ZA		
2 Family Dwelling	ZA		
Accessory Structures	ZA		
Accessory Uses	ZA		
Adult Foster Care Family Home	ZA		
Adult Foster Care Large Group Home	SPR		
Agricultural Uses	ZA		
Bed and Breakfast Establishment	SPR		
Child Care Home, Family	ZA		
Child Care Home, Group	SPR		
Cultural Institutions	SPR		
Educational Institutions	SUP		
Home Based Business	SPR		
Home Occupation	ZA		
Institutional Uses	SUP		
Public Use-Critical	SPR		
Public Use-Essential	SPR		
Public Use-Supporting	SPR		
Religious Uses	SUP		
Roadside Stands	SPR		
Personal Solar	ZA		
Personal WECS	ZA		
<i>NOTES: Additional parking standards located in Article 5.</i>			

3.3.3 Dimensional Standards

XX: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	100 feet
Minimum Lot Area	15,000 sq ft
Maximum Density	
Maximum Lot Coverage	Less than 18% slope: 30% 18% to 24.99% slope: 20% 25% or greater slope: 10%
Maximum Impervious Coverage	
Principal Structure	
Front Setback	25 feet
Side Setback	10 feet
Rear Setback	15 feet
Water Setback	35 feet
Maximum Height	28 feet
Minimum Dwelling Size	720 sq ft
Minimum Dwelling Width	20 feet over 50% of the entire structure length
Accessory Structures	
Permitted Locations	Same as Principal
Setbacks	Same as Principal
Maximum Height	Same as Principal
Maximum Ground Floor Area	≤ Principal Structure
<i>NOTES: Additional accessory building standards located in Article 2.</i>	

3.3.4 Fencing

XX: FENCING STANDARDS	
Item	Maximum Height
Front Yard Fences	3 feet
Rear & Side Yard Fences	6 feet
<i>NOTES: Additional fencing standards located in Article 2.</i>	

3.4 R-1: RESIDENTIAL DISTRICT

3.4.1 Intent & Purpose

To establish standards for the development of low-medium density residential uses within the Township or within areas of the Township where anticipated public services, such as public water and sewer facilities, may be provided in the future. This district also includes existing one-family developments within the Township which have similar lot area and character, as well as areas within which such development appears likely and desirable.

3.4.2 Table of Regulated Uses

XX: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
1 Family Dwelling	ZA		
2 Family Dwelling	ZA		
Accessory Dwelling Unit	ZA	6.2	
Accessory Structures	ZA		
Accessory Uses	ZA		
Adult Foster Care Family Home	ZA		
Adult Foster Care Large Group Home	SPR		
Agricultural Uses	ZA		
Bed and Breakfast Establishment	SPR		
Child Care Home, Family	ZA		
Child Care Home, Group	SPR		
Cultural Institutions	SPR		
Educational Institutions	SUP		
Home Based Business	SPR		
Home Occupation	ZA		
Institutional Uses	SUP		
Public Use-Critical	SPR		
Public Use-Essential	SPR		
Public Use-Supporting	SPR		
Religious Uses	SUP		
Roadside Stands	ZA		
Personal Solar	ZA		
Personal WECS	ZA		
NOTES: Additional parking standards located in Article 5.			

3.4.3 Dimensional Standards

XX: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	100 feet
Minimum Lot Area	12,000 sq ft
Maximum Density	
Maximum Lot Coverage	Less than 18% slope: 30%

XX: DIMENSIONAL STANDARDS	
	18% to 24.99% slope: 20% 25% or greater slope: 10%
Maximum Impervious Coverage	
Principal Structure	
Front Setback	40 feet
Side Setback	10 feet
Rear Setback	15 feet
Water Setback	35 feet
Maximum Height	28 feet
Minimum Dwelling Size	720 sq ft
Minimum Dwelling Width	20 feet over 50% of the entire structure length
Accessory Structures	
Permitted Locations	Same as Principal
Setbacks	Same as Principal
Maximum Height	Same as Principal
Maximum Ground Floor Area	≤ Principal Structure
<i>NOTES: Additional accessory building standards located in Article 2.</i>	

3.4.4 Fencing

XX: FENCING STANDARDS	
Item	Maximum Height
Front Yard Fences	3 feet
Rear & Side Yard Fences	6 feet
<i>NOTES: Additional fencing standards located in Article 2.</i>	

3.5 R-2: RURAL RESIDENTIAL DISTRICT**3.5.1 Intent & Purpose**

To accommodate the development of residential properties of a semi-rural character within the Township. Typically the district contains larger tracts, areas of environmental concern such as wetlands, bluffs, dunes, etc., which limit development and density, and will probably not be provided with public services in the foreseeable future.

3.5.2 Table of Regulated Uses

XX: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
1 Family Dwelling	ZA		
2 Family Dwelling	ZA		
3+ Family Dwelling	SPR		
Accessory Structures	ZA		
Accessory Uses	ZA		
Adult Foster Care Family Home	ZA		
Adult Foster Care Large Group Home	SPR		
Agricultural Uses	ZA		
Bed and Breakfast Establishment	SPR		
Child Care Home, Family	ZA		
Child Care Home, Group	SPR		
Cultural Institutions	SPR		
Educational Institutions	SUP		
Forestry Uses	ZA		
Golf Courses & Facilities	SPR		
Green House, Commercial	SPR		
Gun and Skeet Club, Rifle Range	SUP		
Home Based Business	SPR		
Home Occupation	ZA		
Institutional Uses	SUP		
Kennels	SUP		
Roadside Stands	ZA		
Personal Solar	ZA		
Personal WECS	ZA		
Public Use-Critical	SPR		
Public Use-Essential	SPR		
Public Use-Supporting	SPR		
Recreational Facility, Non-Commercial	SPR		
Religious Uses	SUP		
Utility Solar	SUP		
Wireless Communication Towers	SUP		
NOTES: Additional parking standards located in Article 5.			

3.5.3 Dimensional Standards

XX: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	150 feet
Minimum Lot Area	2.5 acres
Maximum Density	5,000 sq ft lot area per rental unit or multi-family dwelling unit
Maximum Lot Coverage	Less than 18% slope: 30% 18% to 24.99% slope: 20% 25% or greater slope: 10%
Maximum Impervious Coverage	
Principal Structure	
Front Setback	40 feet
Side Setback	10 feet
Rear Setback	15 feet
Water Setback	25 feet
Maximum Height	38 feet
Minimum Dwelling Size	720 sq ft
Minimum Dwelling Width	20 feet over 50% of the entire structure length
Accessory Structures	
Permitted Locations	Same as Principal
Setbacks	Same as Principal
Maximum Height	Same as Principal
Maximum Ground Floor Area	≤ Principal Structure
<i>NOTES: Additional accessory building standards located in Article 2.</i>	

3.5.4 Fencing

XX: FENCING STANDARDS	
Item	Maximum Height
Front Yard Fences	3 feet
Rear & Side Yard Fences	6 feet
<i>NOTES: Additional fencing standards located in Article 2.</i>	

3.6 CR: COMMERCIAL RESORT DISTRICT

3.6.1 Intent & Purpose

To accommodate residential and resort developments, which are designed to take advantage of the natural qualities and scenery, but still protect, environmentally sensitive lands. It is intended that such uses include appropriate commercial facilities when located and constructed in a manner which is in keeping with the limitations of the Wet Lands Control Act and other related laws, ordinances and regulations.

3.6.2 Table of Regulated Uses

XX: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
1 Family Dwelling	ZA		
2 Family Dwelling	ZA		
3+ Family Dwelling	SPR		
Accessory Structures	ZA		
Accessory Uses	ZA		
Adult Foster Care Family Home	ZA		
Adult Foster Care Large Group Home	SPR		
Agricultural Uses	ZA		
Bed and Breakfast Establishment	SPR		
Boarding House	SPR		
Campgrounds	SUP		
Child Care Home, Family	SPR		
Child Care Home, Group	SPR		
Cultural Institutions	SPR		
Dwelling Units Above 1st Floor Commercial	SPR		
Eating Establishments	SUP		
Educational Institutions	SUP		
Forestry Uses	SPR		
Home Occupation	ZA		
Hotel, Motel, Resort (Less than 10 units)	SUP		
Institutional Uses	SUP		
Kennels	SUP		
Marinas and Canoe Liveries	SUP		
Mass Gathering	SUP		
Offices	SPR		
Personal Service Establishments	SPR		
Personal Solar	SPR		
Personal WECS	SPR		

XX: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MINIMUM PARKING
Public Use-Critical	SPR		
Public Use-Essential	SPR		
Public Use-Supporting	SPR		
Religious Uses	SUP		
Retail Establishments, less than 5,000 sq ft	SPR		
Roadside Stands	SPR		
<i>NOTES: Additional parking standards located in Article 5.</i>			

3.6.1 Dimensional Standards

XX: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	100 feet
Minimum Lot Area	20,000 sq ft
Maximum Density	5,000 sq ft lot area per rental unit or multi-family dwelling unit
Maximum Lot Coverage	Less than 18% slope: 50% 18% to 24.99% slope: 40% 25% or greater slope: 30%
Maximum Impervious Coverage	
Principal Structure	
Front Setback	25 feet
Side Setback	10 feet
Rear Setback	15 feet
Water Setback	35 feet
Maximum Height	28 feet
Minimum Dwelling Size	720 sq ft
Minimum Dwelling Width	20 feet over 50% of the entire structure length
Accessory Structures	
Permitted Locations	Same as Principal
Setbacks	Same as Principal
Maximum Height	Same as Principal
Maximum Ground Floor Area	≤ Principal Structure
<i>NOTES: Additional accessory building standards located in Article 2.</i>	

3.6.2 Fencing

XX: FENCING STANDARDS	
Item	Maximum Height
Front Yard Fences	3 feet
Rear & Side Yard Fences	6 feet
<i>NOTES: Additional fencing standards located in Article 2.</i>	

3.7 G: GOVERNMENT DISTRICT

3.7.1 Intent & Purpose

To preserve and protect from development certain outstanding natural features, including forests, beaches, dune formations, and ancient glacial phenomenon, along with the scenic beauty and natural character of the area. This is to be accomplished while at the same time providing for recreational activities consistent with the maximum protection of the natural environment of the district.

3.7.2 Permitted Uses

All permitted uses within the boundaries of the Sleeping Bear Dunes National Lakeshore are subject to provisions outlined in individual agreements entered into by the owner of any real property within this district and the National Park Service, as authorized by Public Law 91-479.

All land in the Government District owned by the State, County and Township shall be used in a manner deemed appropriate by the owner agency.

Any parcel in the Government District transferred to a non-government entity shall immediately take on the zoning designation of the adjoining district. In the event the parcel is adjacent to two or more separate zoning districts, the parcel's designation will be subject to a ruling by the Planning Commission which shall designate the parcel to the most restrictive zoning district.

ARTICLE 4: OVERLAY DISTRICTS**Watershed Overlay Districts**1/17/2025 **DRAFT**

Sources: Michigan Open Data Portal, Township

Township

Watershed Overlay Districts*

*Within the Watershed Overlay District presented here, the Crystal Lake Watershed Overlay District is exact. The Platte Lakes Area Management Plan Overlay District (PLAMPOD) as displayed here is approximate. Within the Lake Township Zoning Ordinance, the PLAMPOD boundary is described as, "the property immediately surrounding the Platte Lakes. Boundaries may vary due to slopes and permeability of the soils; the greater of either increases the distance of the boundary from the water's edge. The interpretation of the boundaries of this area shall be the responsibility of the Zoning Administrator, whose decision may be appealed to the Board of Appeals."

1 Miles
Beckett & Raeder, Inc.

4.1 GENERAL WATERSHED OVERLAY REGULATIONS

Certain areas of the township require additional review and regulations. The overlay district shall include regulations in the underlying district as well as the information included in this Article. If the Overlay District language is more strict, it shall prevail.

4.1.1 Standards Applicable to All Watershed Overlay Districts

- A. Intent:** The Watershed Overlay Districts are designed to provide protection to water resources from activities pertaining to construction, development or redevelopment, on properties located adjacent to, bordering or encompassing surface water, water courses, wetland areas, or drainage ways. In addition, the purpose of this article is to regulate the use of lakefront property and control boat docks and dockages in order to: protect natural resources, guide the proper development of shoreline areas; prevent overcrowding of land and water; minimize pollution and degradation of public waters; protect life and property by reducing the risk of boating accidents; preserve the recreational use of lakes and lake environments; protect property values; and, protect the public health, safety and general welfare.
- C. Water Resources subject to Ordinance Regulation:** Navigable water bodies and watercourses, wetland area 0.5 acre or larger in size, non-navigable waterways with tributaries from other non-navigable waterways whose origin is from surface run off, or spring fed, excepting from a wetland area.
- D. Uses Permitted:** All uses permitted by right or by special land use permit in the underlying zoning district shall be permitted in the Watershed Overlay Districts, except for:
 - 1. Confined Feedlots
 - 2. Slaughterhouses
 - 3. Gas Stations
 - 4. Auto Repair Shops
 - 5. Auto Washes
 - 6. Oil-change establishments
 - 7. Industrial uses involved in the manufacturing, compounding, processing or treating of products.
- E. General Design Requirements**
 - 1. **Fertilization:** Fertilization of any type is prohibited within thirty five (35) feet of the ordinary high water mark.

2. **Redirection of Water Resources:** Redirection of a water resource, in part or in whole, may only be conducted under the Michigan Department of Natural resources (MDNR) or EGLE.
3. **Natural vegetation preservation:** Natural vegetation shall be maintained wherever possible. If the removal of vegetation is required, reestablishment of a native, non-invasive plant material shall be required.
4. **Mature Trees:** Existing mature trees shall be incorporated into the project design where feasible.
5. **Natural Drainage Courses:** Natural drainage courses shall be protected from grading activity.
6. **Groundwater Flow Patterns:** Where known, groundwater flow patterns shall not be interrupted.
7. **Maximum Slopes:** Slopes created by the grading of the site should generally not exceed a slope ratio of one (1) foot of vertical slope to three (3) feet of horizontal distance. Natural slopes greater than eighteen (18%) percent must be maintained with a vegetative cover or retaining systems to minimize surface runoff.
8. **Building Clustering Encouraged:** Buildings shall be clustered as much as possible to retain open space and surrounding tree cover and to minimize changes in topography.
9. **Roadway Screening:** Screening along roadways shall make maximum use of berming and landscaping but shall not interfere with site distances.

F. Water Access Lot Design Requirements

1. Dimensional Requirements.
Access lots may be created provided the following are met:
 - a. Fifty (50) feet minimum front yard width
 - b. Fifty (50) feet minimum lot width throughout the entire length of the lot
 - c. Fifty (50) foot frontage along water
2. Structures Allowed.
A structure is allowed on the access lot provided the following are met:
 - a. Setbacks for underlying district are met.
 - b. Maximum one hundred fifty (150) gross square footage.
 - c. Not used for other than non-commercial waterfront recreational uses and related storage.

3. Within thirty five (35) feet of the ordinary high water mark, a maximum of four hundred (400) square feet of land may be covered by impervious surfaces, including all structures and paving, for each one hundred (100) linear feet of lake frontage.
4. Docks not be located in the required side setback and are regulated in the **Lake Township Dockage Ordinance**.
5. Unless the residences having the privilege to use an access lot, are within two hundred fifty (250) feet of the access lot, a minimum of two (2) parking spaces shall be provided off of the road right-of-way for each parcel that is more than 250 feet way.
6. No more than two (2) families may share each fifty (50) feet of an access lot, whether access is gained by easement, joint or common fee ownership, lease, license, site condominium unit, stock or membership in a corporation, or by any means.
7. Projects involving more than two (2) families shall be subject to the Site Plan Review Process.

G. Shoreline Protection Strip

To minimize erosion, stabilize waterfronts, protect water quality, keep nutrients from entering waters, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen artificial structures, protect property values, and also to preserve the scenic values of waterfront areas, a natural vegetation strip shall be maintained on each parcel or lot between the ordinary high water mark or waters edge and a buffer line, each point of which is thirty five (35) feet horizontal from and perpendicular to the ordinary high water mark or water's edge of a waterbody or the banks of a waterway.

1. Existing vegetation shading water surfaces shall be preserved to the maximum extent possible.
2. Existing natural ground cover and native vegetation shall be preserved to the fullest extent feasible, and where removed shall be replaced with native vegetation that is equally effective in retarding runoff, preventing erosion, preserving property values, and protecting community scenic values.
3. Within the shoreline protection strip, twenty (20%) percent of existing trees and shrubs may be selectively pruned or removed to enhance a filtered or corridor view of the water from the principal structure and for reasonable private riparian access to the water. A corridor view shall be established through selective cutting only after the principal structure has been sufficiently constructed to locate windows, decks or other structure features intended to enjoy and utilize a water view. Said pruning and removal activities shall be inspected at the discretion of the Zoning Administrator and ensure that a live root system stays intact to provide for waterfront bank stabilization and erosion control. Tree-topping and clear cutting within the natural vegetation buffer is prohibited.

4. Dead, diseased, unsafe or fallen trees and non-native exotic or noxious plants and shrubs, including poison ivy, poison sumac, purple loosestrife, Phragmites, etc. may be removed at the homeowner's discretion provided that no stumps are removed. Landowners are encouraged to consult with the Zoning Administrator before removing dead, diseased, unsafe or fallen trees from within the natural vegetation buffer. Planting of perennial native species (ground cover, shrubs and trees) in the natural vegetation strip is required.
5. The restoration of a natural shoreline protection strip conforming to the requirements of this Ordinance shall be a condition of a zoning permit for a new dwelling being issued for a lot or parcel that is included in the Waterfront Overlay District. Any and all fill material placed within the shoreline protection strip shall be removed. Only soils and/or rocks, consistent with the composition of the pre-existing on-site soil and rocks, shall be allowed when necessary for growth of new vegetation. The shoreline protection strip shall be replanted solely with native vegetation as identified by the Northwest Michigan Invasive Species Network "Recommended Planting Guidelines for Municipalities". Native vegetation shall be required at a rate of one (1) tree and three (3) shrubs per twenty five (25) lineal feet of shoreline and shall meet the minimum size standards in the table below. The remainder of the natural vegetative strip shall be planted with native wildflowers, vines, grasses, rushes, sedges, and/or ferns.

PLANTING SIZE STANDARDS	
Native Plant Material	Minimum Size
Deciduous (canopy) Trees	2.5" caliper measured at 4' above grade
Coniferous (evergreen) Trees	6' height
Deciduous Shrubs	2' height
Upright Coniferous (evergreen) Shrubs	2' height
Spreading Coniferous (evergreen) Shrubs	18" spread

6. It is in violation of the zoning ordinance to alter or disturb the shoreland protection strip except as provided in this section. If altered or disturbed, the following corrective measures are required:
 - i. Any and all fill material placed within the shoreland protection strip shall be removed. Only soils or rocks, consistent with the composition of the pre-existing on-site soil and rocks, shall be allowed when necessary for growth of new vegetation. Placement of beach sand is prohibited unless it is to maintain an existing beach area.

- ii. The shoreland protection strip shall be replanted. The replanted area shall consist solely of native vegetation and any replacement trees, similar in size and species to those removed. Any tree greater than 8 inches in diameter (8 inch in diameter measured at 4.5 feet above the ground) which was removed, shall be replaced at a rate of two trees for the first 8 inches in diameter, and one additional tree for each additional 4 inches in diameter of the original tree removed (i.e. if a 20" tree is removed—5 replacement trees would be required, 2 for the first 8" and 3 for the other [20"-8"] 12 inches of diameter of the removed tree.)

H. Application Requirements:

1. Prior to construction on any property the following information must be provided with the application:
 - a. Scaled plot plan or aerial image in a scale that is legible and adequately displays the entire extent of the property boundary and the impacted lakeshore, and provides the following information:
 1. Documentation of existing and proposed topography, such as elevation points at key locations or topographic contours, and proposed topography.
 2. Proposed stormwater drainage around any proposed improvements.
 3. Existing vegetation.
 4. Proposed areas of cleared vegetation.
 5. Proposed new landscaping.
 6. Existing and proposed structure footprints, and dimensions for separation distances between these buildings and other structures, and setbacks from the lakeshore, any streams or wetlands, and property lines. This must include the required setback distance of 25 feet from Platte Lake.
 - b. A sworn statement of compliance plantings, limits of disturbance, and exclusion of phosphate-containing fertilizer, to be re-verified within one year of final inspection or occupancy certificate issuance.

- I. **Construction Guidelines:** For all developments in the Watershed Overlay Districts, the following construction guidelines shall be followed:

1. Whenever feasible, natural vegetation shall be retained and protected. Where inadequate vegetation exists, temporary or permanent vegetation shall be established.
 2. All exposed slopes and graded areas shall be landscaped with ground cover, shrubs, and trees as soon as possible.
 3. The smallest practical area of land shall be exposed at any one time during development.
 4. When land is exposed during development, the exposure shall be kept to the shortest practical period of time and, if possible, shall be scheduled during seasons of minimum precipitation.
 5. The permanent final vegetation and all structures shall be installed as soon as practical.
 6. Trees are susceptible to all development in their immediate vicinity, and, unless extreme measures are taken during construction to protect them, their life span will inevitable be shortened. The developer must demonstrate how trees will be protected during construction or how to relocate trees if necessary.
 - a. For relocating trees, the root ball must be approximately ten (10) to twelve (12) inches in diameter for every inch of the tree's diameter. Adequate drainage and backfill shall be necessary to complete the relocation.
 - b. Root protection during construction is essential in saving mature trees. Recommended techniques include using a geotextile aeration mat to allow structures to have adequate ventilation, while protecting the roots from excessive compaction and steel-reinforced concrete paving patterned with voids to be filled with gravel or grass that allow drainage, while protecting the tree from root compaction in highly trafficked areas.
- J. Performance Guarantee:** The Township reserves the right to use a performance guarantee to ensure plantings are completed and vegetation is maintained according to plan within one year of construction.

4.2 GENERAL REGULATION OF ENVIRONMENTALLY SENSITIVE AREAS.

All uses allowable in all zoning districts of this Ordinance shall comply with the standards set forth in this section regulating the development of environmentally sensitive areas. These requirements shall be considered in addition to use restrictions or other applicable regulations for each zoning district including each watershed overlay district, and shall be considered as a separate portion of the zoning application.

- B. Intent. It is the intent of these regulations to identify and safeguard those areas of the Township that are considered to be environmental sensitive to development, due to soil types, drainage, vegetation, wildlife habitats or other factors that are subject to being seriously endangered, damaged, or destroyed if allowed to develop in a manner inconsistent with their conservation and preservation. Since the welfare and well-being of the citizens of the Township are directly linked and related to the natural environment of the area, it is recognized by this Section that in order to maintain Environmentally Sensitive Areas in their natural condition for the benefit of mankind, it is necessary to protect such area from degradation.
- C. Sensitive Areas Terms and Definitions.
1. Environmentally Sensitive Areas. The protection of areas of environmental concern, such as Wetlands, High Risk Erosion, Dunelands, Floodplains or Steep Slope Areas, must be considered in conjunction with development.
 2. Dune Formation and other sandy soil limitations are sensitive areas because some are unique natural features under protection of the Sand Dunes Protection Act, Part 353, 1994 PA 451.
 3. Wetlands are defined by degree of soil wetness, generally including those soils classified by the Wetlands Act, Part 303, 1994 PA 451 as being able to support aquatic vegetation regardless of whether it has standing water or not. Any activity shall be prohibited unless a wetlands permit has been obtained from EGLE.
 4. Sensitive Riverine Areas are defined as areas on each side of streams that could be subject to flooding or erosions in Part 301 and 315, 1994 PA 451.
 5. Sensitive Inland Lakes are sensitive areas around the water body, including the watershed, which could be subject to flooding, erosion, or pollution per Part 301, 1994 PA 451.
 6. Flood Plain Areas are low areas adjacent to inland lakes and streams subject to flooding according to the one hundred (100) year flood hazard boundary map as administered by the Federal Emergency Management Agency (FEMA). Part 31, 1994 PA 451.
 7. Steep Slopes When the proposed building site has slopes in excess of fifteen (15) percent, questionable soil stability or evidence of erosion, the Zoning Administrator shall require the applicant to obtain a site analysis, Part 91, 1994 PA 451.

8. Groundwater Protection – Aquifers are at risk of pollution when recharged by surface waters and therefore must be protected in accordance with PA 98 of 1913 and CPA 282 of 1945.
- D. Retaining Wall Permit. No shoreline retaining wall shall be erected without first having obtained a permit from EGLE.

ARTICLE 5: SITE DEVELOPMENT STANDARDS

5.1 GREENBELTS

Prior to the commencement of construction of any structure or building of a commercial nature where such property abuts, adjoins, or is adjacent to a residential zone, a greenbelt shall be established. However, where permitted elsewhere in this Ordinance, an opaque wall or fence may be built in lieu of a greenbelt. A greenbelt shall be a minimum width of twenty (20) feet; shall be completed within six (6) months from the date of final inspection; shall thereafter be maintained with permanent plant material indigenous to this area; at least four (4) feet in height if evergreens, ten (10) feet in height if deciduous and supplemented with interspersed shrubbery at least two (2) feet in height so a sight screening effect can be expected within three (3) years. Landscaping shall be native to the region as determined by the Zoning Administrator.

5.2 PARKING & LOADING REGULATIONS

5.2.1 Intent and Purpose

- A. There shall be provided in all Districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The proper number of parking spaces for any given use shall be based upon considerations of the maximum number of motor vehicles that can be expected on the premises at the same time during an average day. Parking spaces for residential uses may include garage parking.
- B. Off-street parking areas shall be designed to the following minimum standards:

PARKING SPACE DIMENSIONAL STANDARDS			
Parking Angle	Stall Width	Stall Depth	Min.-Max. Aisle Width*
Parking Angle	8 feet	22 feet	12 – 16 feet (one-way); 20 – 24 feet (two-way)
Parallel	8.5 feet	19 feet	12 – 16 feet (one-way)
45°	8.5 feet	20 feet	16 – 20 feet (one-way)
60°	8.5 feet	18 feet	20 – 24 feet (two-way)
90°	8 feet	17 feet	18 – 22 feet (two-way)
* Aisle widths indicated as two-way shall be reduced by half for one-way only travel.			

- C. Parking surfaces shall be durable and dustless materials such as asphalt, concrete, brick, stone, pavers, or other permeable materials acceptable to the Zoning Administrator. Gravel shall not be an allowable material under this standard except for 1- and 2- family dwellings.
- D. Adequate ingress and egress shall be provided by clearly defined driveways. Backing into public street rights-of-way shall be prohibited.

Access to off-street parking areas for non-residential uses shall not be permitted across lots that are residential in use or in a residential zoning district.

- E. Maintenance: All parking areas shall be maintained in good condition and kept free of debris and garbage.

5.3 EXTERIOR LIGHTING

5.3.1 Intent & Purpose

The purpose of this article is to provide for outdoor lighting that will:

- A. Minimize problems associated with improperly designed and installed outdoor lighting including glare, light trespass, and sky glow, by limiting outdoor lighting that is misdirected or excessive.
- B. Conserve energy and resources to the greatest extent possible.
- C. Decrease light pollution and curtail and reverse the degradation of the nighttime visual environment and the night sky.
- D. Promote and protect general health, safety and welfare and security of the public in Lake Township while not unreasonably interfering with the use and enjoyment of property within the Township.

5.3.2 Exemptions

The following uses and activities shall be exempt from the standards of this Section, provided they do not create glare perceptible to persons operating motor vehicles in the public rights-of-way:

- A. New Technology: The Zoning Administrator may grant exceptions to the material, light source, or method of installation standards in this Section in consideration of any new state-of-the-art technology, so long as the exception still meets all other applicable standards of this Section.
- B. Residential Lighting: Low intensity residential decorative lighting, such as porch lights or low-level façade and landscape lighting, provided any such lights are directed toward the residential building or land.
- C. Holiday Decorations: Provided the decorative exterior lighting shall not include searchlights, floodlights, or stroboscopic lights.
- D. Flag Lighting: Luminaires used for the illumination of the flag of the United States of America.
- E. Temporary Lighting: Associated with an approved temporary event permitted by the Township.

- F. Statutory Authority: Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this Section, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations, or lighting that is only activated at the time of power outages

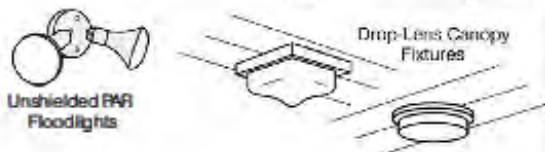
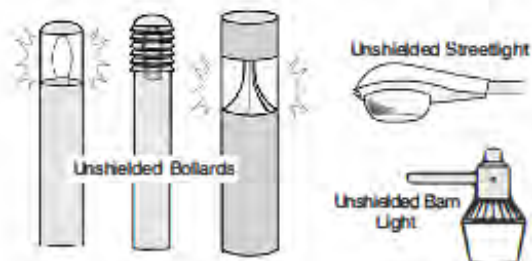
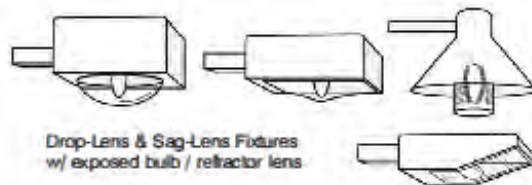
5.3.3 Shielding & Filtration

- A. All nonexempt exterior lighting shall be hooded and/or louvered to prevent light from spilling over onto neighboring properties and rights-of-way.
- B. All lighting fixtures shall have one hundred (100%) percent cut-off shielding that prevents light from being emitted above a horizontal plane from the lowest direct light emitting part of the luminaire.
- C. Light sources shall be located as to minimize the hazards of glare, and all poles or standards used to support outdoor light fixtures shall be coated with a material that minimizes glare from the light source.

Examples of Acceptable / Unacceptable Lighting Fixtures

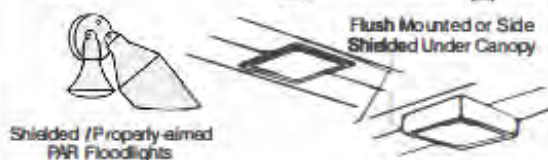
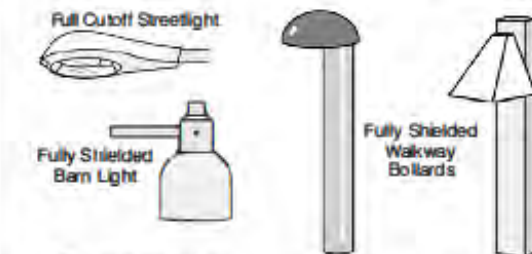
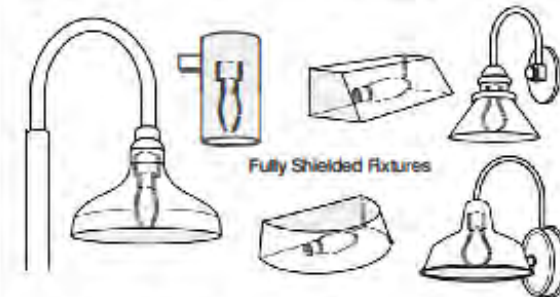
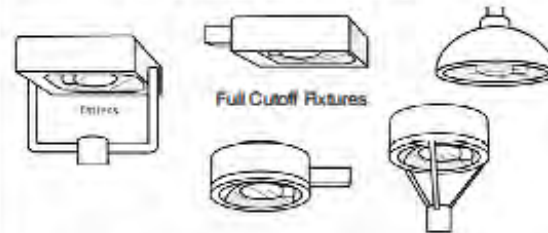
Unacceptable

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night.



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- A. **Notification:** Zoning permit applications shall include a question inquiring whether the project includes any outdoor lighting. If the project includes any outdoor lighting equivalent to 150 watts incandescent or more, a lighting plan is required with a zoning application.

5.4 SIGNS

5.4.1 Intent & Purpose

It is the policy of this Ordinance to discourage and restrict the use of roadside signs as nuisances detrimental to the public safety and unsightly, but it is recognized that the reasonable requirements of business carried on in the Township require a limited number of signs and the following provisions permitting the erection and maintenance of roadside signs will be construed in the light of the foregoing:

- A. One identification sign of not more than twenty-four (24) square feet may be erected on the premises as a part of any business or activity actively conducted thereon in any district, except that signs relating to home occupations shall be not more than six (6) square feet.
- B. No business or person may erect in the Township a flashing lighted sign that blinks on and off, rotates, flashes or otherwise draws attention to the sign by means of the movement of an artificial light source.
- C. Attractively designed groups of directional signs not more than four (4) square feet in area may be placed on property regardless of zone, at highway intersections. Such groups of signs shall be subject to the approval of the Zoning Administrator and the County Road Commission.
- D. No sign shall be located in a public or private right of way.

5.4.2 Permit Required

Except as otherwise provided in parts E and F, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered unless a Land Use Permit has been issued in accordance with the provisions of this Ordinance. Mere repainting or changing the message of a sign shall not in and of itself be considered a substantial alteration.

5.4.3 Signs Excluded from Permit

The following signs are permitted without a Land Use permit, but shall conform to the requirements set forth herein as well as all other applicable requirements of this Section.

- A. One (1) sign not exceeding eight (8) square feet in sign face area that is customarily associated with residential use and that is not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs such as 4-H Clubs group memberships or centennial farm signs.

- B. Signs not exceeding four (4) square feet in sign face on mailboxes or newspaper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- C. Signs erected by or on behalf of/or pursuant to the authorization of a governmental body, including legal notices, identification, and information signs, including historical markers, traffic, directional, and regulatory signs.
- E. Official signs of a non-commercial nature erected by public utilities.
- D. Flags, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising service.
- E. Integral decorative or architectural features of buildings or works of art, so long as such features or works of art do not contain letters, trademarks, moving parts, or lights.
- F. Signs directing and guiding traffic on private property that do not exceed four (4) square feet each and that bear no advertising matter.
- G. Informational signs not exceeding one (1) square foot in sign face.
- H. A total of two (2) banners, one (1) banner and one (1) commercial advertising flag, or two (2) commercial advertising flags, each such banner or commercial advertising flag not to exceed twenty-four (24) square feet in sign face, used to attract attention to a community activity or event (Also see part F).
- I. Street name signs located in accord with County Road Commission standards at street intersections, not to exceed one (1) square foot in sign face.

5.4.4 Temporary Signs

Temporary signs are allowed with the following conditions:

- A. Maximum of a total of six (6) square feet of temporary signage may be displayed on a parcel at one time
- B. Signs shall be located on private property, outside of the road right-of-way
- C. A permit is not required

5.4.5 Determining the Number of Signs

- A. Other For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
- B. A two-sided or multi-sided sign shall be regarded as one (1) sign so long as:

1. With respect to a V-type sign, the two (2) sides are at no point separated by a distance that exceed five (5) feet; and
2. With respect to double faced (back to back) signs, the distance between the backs of each face of the sign does not exceed three (3) feet

5.5 STORMWATER MANAGEMENT

When any land in the Township is developed or altered in any way which affects stormwater runoff, the owner shall detain such stormwater from runoff onto adjacent properties, including roads and other rights-of-way, in such a manner which shall result in the maximum amount of stormwater runoff not exceeding that which existed prior to the development or improvement of the property, and in accordance with the requirement of the Soil Erosion/Sedimentation Control Act, PA 347 of 1972, as amended for Crystal Lake and Platte Lake watersheds.

- A. Special attention shall be given to proper site drainage so that runoff of stormwater will not adversely affect neighboring properties or the surface water quality of the Township's lakes and streams. Stormwater control mechanisms, such as retention/detention basins, vegetative buffers, swales, and infiltration trenches, shall be required to ensure that the peak rate of stormwater runoff, after development, does not exceed the rate prior to development.
- B. All developments shall be designed, constructed, and maintained to protect the water quality of the Township's lakes and streams.
- C. Impervious surfaces must be engineered and sloped in a manner that will not allow direct drainage into a water resource.
- D. Drainage of surface runoff from an impervious surface must be directed to a retention area or rock filled void large enough to allow natural absorption of storm water runoff from a twenty-five (25) year storm event of three and one-half (3.5) inches of rain in a twenty-four (24) hour period.
- E. Engineered slopes must be less than eighteen (18%) percent when located within one hundred (100) feet of a water resource. The surface must be maintained with a vegetative cover to minimize surface runoff.

ARTICLE 6: SUPPLEMENTAL USE STANDARDS

6.1 INTENT & PURPOSE

Those uses permitted by right and uses allowed by special use permit enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements. The uses listed in this Article are only allowed where listed in the Article 3.

6.2 ACCESSORY DWELLING UNITS

Accessory dwelling units may be permitted attached to the primary dwelling or within a detached accessory structure with the following conditions:

- A. Only one (1) accessory dwelling unit shall be allowed per parcel with a primary dwelling unit.
- B. Two (2) parking spaces per accessory dwelling unit shall be provided on-site.
- C. The footprint of the accessory dwelling unit shall not exceed 60% of the primary dwelling unit or 800 sq ft, whichever is less.
- D. The property owner shall reside in either the primary dwelling unit or the accessory dwelling unit.

6.3 AGRICULTURAL OPERATIONS

No grazing of livestock shall be permitted within fifty (50) feet of the ordinary high water mark, bank of stream, or wetland.

6.4 AUTOMOBILE AND MARINE REPAIR AND SALES

Outdoor display of individual pieces of equipment may be allowed in areas so designed in the site plan as approved provided the display area has been designed and constructed as part of the overall site improvements.

- A. Display areas shall be suitably landscaped.
- B. Such landscaping shall include shrubs and trees in sufficient quantity to mitigate any adverse impact of the outdoor display.
- C. Servicing and repairs shall be conducted only within a totally enclosed building.

6.5 AUTOMOTIVE SERVICE STATIONS

- A. All repairs or servicing shall be conducted only within a completely enclosed building.
- B. Screening or fencing shall be as required by the Planning Commission.

6.6 BOARDING HOUSES

- A. All residences shall meet all state and local health and safety codes.
- B. No more than three (3) individuals shall be accommodated in any single residence.
- C. Such uses shall be carried out in an inconspicuous manner so that the nature of activities related to the residence do not differ significantly from activities related to normal residential uses in the districts.

6.7 CAMPGROUNDS & TRAVEL TRAILER PARK CAMPS

To provide for travel trailer parks, campgrounds, etc., normally operated on a seasonal basis, for the accommodation of tents, travel trailers, self-propelled homes or vehicles designed primarily for temporary living or sleeping.

- A. Sites shall be a minimum of ten (10) acres.
- B. Developments shall comply with the provisions of Act 368 of the Public Acts of 1978, as amended,.
- C. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a travel trailer park are permitted as accessory uses in the districts in which trailer parks are allowed, PROVIDED that:
 - 1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park.
 - 2. Such establishments shall be restricted in their use to the occupants of the park.
 - 3. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
 - 4. No space shall be so located that any part intended for occupancy is within one hundred (100) feet of a residential district.
 - 5. In addition to meeting the above requirements, the travel trailer site plan shall be subject to the review and approval of the health department.
 - 6. Storage areas for unoccupied travel trailers, motor homes and similar units may be allowed as an accessory use.

6.8 FOSTER CARE FACILITIES

- A. Such uses shall be duly licensed by the State of Michigan Department of Human Services.

6.9 FORESTRY AND AGRICULTURAL USES

- A. Forestry and Agricultural uses shall be subject to the currently adopted Generally Accepted Agricultural Management Practices (GAAMPs).

6.10 GOLF COURSES

Golf courses and Country Clubs, other than golf driving ranges and miniature golf courses, shall be subject to the following conditions:

- A. The site shall be directly accessible from a county or state highway.
- B. All principal or accessory buildings, including in-ground swimming pools and parking areas, shall be one hundred (100) feet from any property zoning residentially.
- C. Whenever a swimming pool is to be provided, said pool shall be constructed and operated in accord with Public Act 368 of the Public Acts of 1978, as amended.
- D. The use of synthetic fertilizer, pesticides and herbicides on golf courses within the watershed overlay districts is prohibited. Note that this prohibition does not apply for the limited use of synthetic herbicides for the control of invasive or noxious plant species. Phosphorous free fertilizers, consistent with guidance from the Michigan Department of Agriculture and Rural Development (MDARD), and pesticides, herbicides, and fertilizers that are approved for organic production (Organic Materials Review Institute – or OMRI – approved) are allowed.

6.11 HOME BUSINESSES (HOME OCCUPATIONS, HOME BASED BUSINESS, BED & BREAKFAST)

While the Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the right of all residents to be free from actual or potential nuisances which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure Home Occupations, Home Based Businesses, and Bed & Breakfast Establishments are compatible with other allowed uses in residential zones, and thus to maintain and preserve the residential character of the surrounding zone.

A. The following regulations shall apply to all Home Businesses:

- 1. Home Businesses shall be incidental and subordinate to the principal use of the lot or parcel for residential purposes.
- 2. The use shall not detract from the residential nature or character of the premises or surrounding zone and shall be compatible with surrounding properties and dwelling units.
- 3. Home Businesses shall not result in the creation of conditions that would constitute a nuisance to neighboring properties, surrounding zoning districts, or the Townships as a whole; including, but not limited to noise, traffic, lighting or parking.

4. There shall be no exterior evidence of the Home Business other than an unlighted nameplate not to exceed four (4) square feet in area.
5. Such use of a residence as a base of operation for a home based business or home occupation are intended to provide reasonable flexibility, but a land use permit shall not be granted if the essential character of a lot or structure within a residential district, in terms of use or appearance, will be changed significantly.

Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, electrical interference at a volume greater than 60 decib

Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, electrical interference at a volume greater than 60 decibels at the property boundary, or create other conditions not typically associated with the use of the lot or parcel for residential purposes.

B. Inspections, Revisions, Termination, and Extensions:

1. Any home occupation, home based business, or bed and breakfast establishment may be subject to periodic review by the Zoning Administrator.
2. In the event that a Home Business is not being conducted in a manner consistent with a residential use or Home Business; and/or is not in compliance with this Ordinance the Zoning Administrator shall have the authority to initiate enforcement action against the owner/operator of the Home Business in accordance with this Ordinance.

C. Home Occupations: Shall meet all of the following requirements:

1. Home Occupations shall be operated in their entirety within the dwelling or within an attached or detached garage or accessory building.
2. Additions to a dwelling or accessory structure for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling or accessory building and shall be designed so that the addition can be used for residential purposes if the home occupation is discontinued.
3. The outdoor storage of goods and/or materials associated with the home occupation is prohibited.
4. Adequate off-street parking shall be provided for patrons and clients.

5. No process, chemicals, or hazardous materials shall be used or stored on sites which are contrary to any applicable State or Federal laws.

D. Home Based Business: Shall meet all of the following requirements:

1. A Home Based Business shall occupy not more than one building. The floor area of such buildings shall not exceed twenty-four hundred (2400) square feet.
2. The outdoor storage of vehicles, goods, and/or materials of any kind is prohibited unless screened from view by a tight-board wood fence, landscaped buffer, landscaped berm, etc. which shall retain the residential character of the neighborhood.
3. To ensure that the Home Based Business is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
4. Hours of operation shall be approved by the Planning Commission.
5. Adequate off-street parking shall be provided for patrons, clients and off- site employees.
6. No process, chemicals, or hazardous materials shall be used or stored on sites which are contrary to any applicable State or Federal laws.

E. Bed & Breakfast Establishments:

It is the intent of this subsection to establish reasonable standards for Bed and Breakfast Establishments to assure that the property is suitable for transient lodging facilities, both the use and character of the lot is compatible with others in the same district, adjacent and nearby private lands shall not be subject to increased trespass and the impact of the establishment is no greater than that of a private home with houseguests. The following requirements for Bed and Breakfast Establishments together with any other applicable requirements of this Ordinance shall be complied with:

1. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
2. The residence shall have at least two (2) exits to the outdoors.
3. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants with an additional thirty (3) square feet for each occupant to a maximum of four (4) occupants per room.
4. Proof of evaluation of the well and septic system by the health department shall be supplied by owner/occupant.

5. The Zoning Administrator or Planning Commission shall require that a floor plan drawn to an architectural scale of not less than one-eighth inch (1/8") = one (1) foot be on file with the fire department.
6. In the event that noise generation may be disturbing to neighbors, or that the location of the establishment is an area where trespass onto adjacent properties is likely to occur, then the Zoning Administrator or Township Planning Commission may require that fencing and/or planting buffer be constructed and maintained.
7. Rental of snowmobiles, ATV's or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.

6.12 HOTELS, MOTELS, & RESORTS [MORE THAN TEN (10) UNITS]

It is the purpose of this section to establish reasonable requirements for transient lodging facilities. It is intended that these regulations will provide for such facilities in the Township that are appropriate in scale and location so as to not create undue traffic congestion, noise or other interference with the predominantly rural and residential character of the Township.

1. Each guest unit shall contain not less than two hundred fifty (250) square feet of floor area.
2. **Site Screening:** The site may be enclosed by open structure wood or wire fences along any yard line but shall not exceed six (6) feet in height. Shrubs and/or trees may be used to screen alone or in combination with structural screens. No screening shall in any way impair safe vertical or horizontal site distance for any moving vehicle. Screening at least four (4) feet high shall be erected to prevent headlight glare from shining on adjacent property.
3. Uses such as swimming pools and other outdoor recreational uses, meeting rooms, restaurants, taverns or bars, and a caretaker or proprietor's residence may be permitted provided that these uses are located on the same site as the principle use to which they are accessory. Appropriate permits shall have been obtained from regulating county or state agencies.
4. Proof of acceptability of the well and septic system by the Health Department shall be supplied by owner.
5. A floor plan drawn to a scale of not less than 1/8" = 1', shall be on file with the appropriate fire department.

6.13 MARINAS & CANOE LIVERIES

- A. All sites shall be located on a major thoroughfare and all ingress and egress to the site shall be from said thoroughfare.
- B. All points of entrance or exit for motor vehicles shall be located no closer than one hundred (100) feet from the intersection of any two (2) streets or highways.

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- C. Whenever any use permitted herein abuts property within any Residential District, a transition strip at least one hundred (100) feet in width shall be provided between all operations and structures, and the residential property. Plant materials, grass and structural screens or fences of an approved type shall be placed within said transition strip.
- D. A minimum yard of one hundred (100) feet shall separate all uses and operations permitted herein, from any public street or highway used for access or exit purposes.

6.14 MINERAL EXTRACTION

Topsoil Removal, Earth Removal, Quarrying, Gravel, Sand and Clay Extraction, Gravel Processing and all other Mineral Extraction and Processing Businesses.

In addition to the Standards for Decisions, the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in the Zoning Ordinance or in any other ordinance controlling such operations.

A. Location:

1. All such operations shall be located on a primary road, as defined by Benzie County, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
2. No such excavation operation shall be permitted closer than 150 feet to interior boundary lines of the property or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly affected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Commission and adequate lateral support as set forth shall at all times be maintained.
3. No excavation operation shall be permitted within 50 feet of adjoining public and private roads except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way, or topsoil removal. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
4. The permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior property lines and adjoining public or private rights-of-ways and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials, and to the location of transportation equipment.

5. No such excavation operation shall be located within one hundred (100) feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties. Greenbelt provisions shall be complied with as provided in Article III, Section 3.18, Environmental Provisions.

B. Site Barriers: Site barriers shall be provided along all boundaries of the site where quarrying, gravel processing, mining and related mineral extraction is proposed, which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:

1. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to three feet horizontal and shall be planted with grass, trees or shrubs.
2. Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity sufficiently spaced to provide effective sight barriers when six (6) feet in height.
3. Masonry walls or attractive solid fences made of uniform new materials constructed to a height of not less than six (6) feet and maintained in good repair.

C. Nuisance Abatement:

1. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
2. Air pollution in the form of dust and dirt shall be kept to a minimum and comply with current MDNRE standards.
3. **Hours:** The hours of operation shall be as established during the site plan review process according to Article XI to minimize any adverse impacts on adjoining properties.
4. **Fencing:** All dangerous excavations, pits and pond areas, banks or slopes shall be fenced with a minimum height of six (6) feet and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and such excavations shall be eliminated as expeditiously as possible.

D. Reclamation of Mined Areas or Excavated Areas:

1. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be concluded within one year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
2. **The following standards shall control reclamation and rehabilitation:**
 - a. All excavation shall be either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids to ensure:
 1. That the excavated areas shall not collect stagnant water and not permit the same to remain therein; or,
 2. That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - b. The banks of all excavations shall be sloped to the waterline in a water- producing excavation, and to the pit floor in a dry operation at a slope that shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - c. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.
 - d. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
 - e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
 - f. A performance bond or cash shall be furnished to the Township Clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall be not less than \$4,000 per acre proposed to be mined or

excavated in the following twelve (12) months' period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this ordinance and the applicant's filed plan.

3. Submission of Operational and Reclamation Plans:

- a. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of this ordinance, or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 1. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property shall be included on the map.
 2. The number of acres and the location of the same proposed to be operated upon within the following twelve (12) months' period after commencement of operations.
 3. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 4. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 5. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site. Said boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the Township Engineer. The written consent of the owners of adjoining premises and of the Planning Commission shall be required if mining operations shall be closer than specified within the ordinance to the boundaries of the site.
 6. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities. Such plan shall be submitted to the County Cooperative Extension Office and to the Soil Conservation District for recommendation to the Planning Commission.
 7. Soil boring tests shall be submitted to provide the depth of the groundwater table of the proposed site.

8. An environmental impact statement, concerning the existing environmental conditions in the proposed area to be excavated, which should include statements concerning, but not limited to: land, vegetation, water, etc.
9. A soil erosion and drainage plan shall be submitted as provided by the Soil Erosion and Sedimentation Act, part 91 of Act 451 of 1994, as amended.

b. Hearing:

1. After receiving a complete application for the special use permit for an earth removal, quarrying, gravel processing, mining, and related mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold a public hearing as specified in Article XII, Section 12.2.

6.15 SEXUALLY ORIENTED BUSINESSES

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them; and, have serious objectionable characteristics, particularly when they are located in close proximity to each other.

It is not the intent of this Section to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact neutral content regulations which address the adverse secondary effects of sexually oriented businesses.

The Township recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state enforcement officials to enforce state and federal obscenity statutes against any such illegal activities within the Township.

- A. It is the purpose of this Section to regulate sexually oriented businesses and related activities to promote and ensure the health, safety, and general welfare of the citizens of the Township and to establish reasonable and uniform regulations to prevent the deleterious effects of sexually oriented businesses within the Township. The provisions of this Section do not have the purpose of imposing a limitation or restriction on the content of any communicative material, including sexually oriented materials. Similarly, it is not the intent of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent of this Section to condone or legitimize the distribution of obscene materials.
- B. **Permit Required:** It shall be unlawful for a person to operate a sexually oriented business without a valid permit issued by the Planning Commission.

C. Issuance of Permit: The Planning Commission shall approve the issuance of a permit to an applicant within sixty (60) days after receipt of an application unless he/her finds one or more of the following to be true.

1. An applicant is under eighteen (18) years of age.
2. An applicant is overdue in his payment of fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
3. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application.
4. An applicant who has been denied a permit by the Township to operate a sexually oriented business within the preceding twelve (12) months, or whose license to operate a sexually oriented business has been revoked within the proceeding twelve (12) months.
5. The premises to be used for the sexually oriented business has not been approved by the health department for the use intended, if applicable.
6. The permit fee, as established by the Lake Township Board of Trustees, has not been paid.
7. An applicant has been convicted of any of the following criminal offenses in any jurisdiction:

Prostitution, procuring a prostitute, or solicitation of a prostitute; sale, distribution or display of obscene material; soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor; possession, sale or distribution of child pornography; public lewdness; indecent exposure; indecent conduct with a child; sexual assault or rape; incest; or sexual solicitation of a child.

8. The applicant shall certify, as a part of the application, that he/she has not been convicted of any one or more of the foregoing criminal offenses. The applicant further shall authorize the release of any criminal history.
9. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
10. The Zoning Administrator may also take all steps necessary to revoke a permit if he/she determines that a permittee gave false or misleading information in the material submitted during the application process.

D. Inspection: An applicant or permittee shall allow the Zoning Administrator or representatives of the County to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law at any time it is occupied or open for business.

E. **Action to Revoke Permit:** The Zoning Administrator shall take enforcement action, including the commencement of suit seeking revocation of a permit, if any of the following occurs:

1. A permittee gave false or materially misleading information in the application process.
2. A permittee has been convicted of using and/or allowing the use of the controlled substances within the establishment.
3. A permittee has been convicted of prostitution or other activity fostering, promoting or otherwise facilitating prostitution, within the establishment or elsewhere.
4. A permittee or employee of the sexually oriented business has been convicted of any crime of a sexual nature or involving sexual conduct or the solicitation thereof within the establishment or elsewhere.
5. A permittee has been convicted of knowingly allowing a person under eighteen (18) years of age to enter the establishment.
6. There has been a transfer of ownership or control of an establishment without the prior consent of the Zoning Administrator, as required herein.

F. **Transfer of Permit:** A permittee shall not transfer his/her permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application. Permittee must complete application.

G. **Location Restrictions:**

1. A sexually oriented business may not be operated within one thousand (1,000) feet of:
 - a. A church, synagogue or regular place of religious worship;
 - b. A public or private school; or
 - c. Another sexually oriented business.
2. A sexually oriented business may not be operated within seven hundred fifty (750) feet of:
 - a. A boundary of any residential zoned district or any residential structure;
 - b. A licensed day care center; or
 - c. A public park.
3. A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.
4. For the purpose of this Section, measurement shall be made in a straight line, without regard to intervening structure or objects, from the nearest portion of the building or

structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private school, or to the nearest boundary of an affected public park, residential district, or residential lot, or licensed day-care center.

5. For purpose of this section, the distance between any two (2) sexually oriented business uses shall be made from the closest exterior wall of the structure in which each business is located.

H. **Regulations Pertaining to Adult Entertainment Establishments:** A person who operates or causes to be operated an adult entertainment establishment which presents live entertainment for the enjoyment of an audience which has paid or promised to pay an admission fee and which depicts specified sexual activities or displays specified anatomical areas, shall comply with the following requirements:

1. Upon application for a sexually oriented business permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures (indicating the type of illumination intensity of each such fixture) and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty (30) square feet of floor area.
2. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted.
3. Unless it is for a new commercial structure to be built, a professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises.
4. The application shall be sworn to be true and correct by the applicant.
5. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Administrator.
6. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
7. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms.
8. Restrooms may not contain video reproduction equipment.
9. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each

area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

10. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in Subsection 7 remains unobstructed by any doors, wall, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection 1 of this section.
11. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot-candle as measured at the floor level.
12. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
13. The premises shall meet all barrier free requirements and building code requirements imposed by the County Building and Inspections Department.
14. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.
15. When live performers are involved in the sexually oriented business, privacy dressing rooms are to be provided, and an aisle between the performance area and the dressing room shall be kept clear and unobstructed so the performers can pass through without contact with patrons.
16. Parking layouts shall not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
17. All off street parking areas shall be sufficient for all vehicles patronizing the establishment, shall be illuminated during all hours of operation with down shining lighting, and shall be open to view from the adjacent street.
18. Ground maintenance shall include routine clearing of rubbish and trash from the grounds, and hauling away of same at least once-per-week.
19. No person shall reside in or permit any person to reside in the premises of an adult oriented business.
20. All performers shall be salaried by the operators/owners of the sexually oriented business.
21. No person shall become the lessee or subleasee of any property for the purpose of using said property for a sexually oriented business without the express written permission of the owner of the property.

22. The maximum number of persons, including patrons, performers and operators, allowed in a structure at any one time shall be as established by the current Building Officials and Code Administration, Inc. (BOCA) Code, however, the number of patrons allowed on premises at any one time shall be limited to the amount of seating available, but shall not exceed one person for each fifteen (15) square feet of public net floor space, exclusive of restrooms, dance floor, administrative areas, hallways, etc.

I. Exterior Portions of Sexually Oriented Business:

1. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
2. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexual or explicit manner except to the extent otherwise permitted by the provisions of this Ordinance.
3. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, and may contain only the name of the enterprise.

J. Persons Younger Than Eighteen Prohibited From Entry; Attendant Required:

1. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.
2. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business's regular business hours. It shall be the duty of the attendant to not allow any person under the age of eighteen (18) years to enter the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:
3. A valid operator's, commercial operator's, or chauffeur's license; or
4. A valid personal identification certificate reflecting that such person is eighteen (18) years of age or older.

K. Exemption: It is a defense to prosecution under this Ordinance that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school, licensed by the State of Michigan, a college, junior college, or university supported entirely or partly by taxation;

2. By a private college or university that maintains and operates education programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

L. Notices:

1. Any notice required or permitted to be given by the Township or other agency under this Ordinance to any applicant, operator or owner of an establishment may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the permit, or transfer application that has been received by the Township, or any notice of address change that has been received by the Township. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the Township shall cause it or a replica thereof to be posted at the principal entrance to the establishment.
2. Any notice required or permitted to be given to the Township by any person under this Ordinance shall not be deemed given until and unless it is received in the Township Hall office.
3. It shall be the duty of each owner who is designated on the permit application and each operator to furnish notice to the Township, in writing, of any change of residence or mailing address.
4. Notices shall also comply with the requirements of Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act.

M. Non-conforming Uses:

1. Any business lawfully operating on the effective date of this Ordinance that is in violation of the location or structural configuration requirements of this Section shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period not to exceed one (1) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. If two or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is non-conforming.
2. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the subsequent location of a church, synagogue, or regular place of religious worship, or public or private school, within one thousand (1,000) feet, or the location of a boundary of any residential zoned district or any residential structure, a licensed day care center or public park, within seven hundred fifty (750) feet. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

N. **Injunction:** A person who operates or causes to be operated a sexually oriented business without a valid permit or otherwise violates this Ordinance shall be subject to a suit for injunctive relief and/or revocation of the sexually oriented business permit, as well as fines or other penalties as provided by this Zoning Ordinance.

1. Any business lawfully operating on the effective date of this Ordinance that is in violation of the location or structural configuration requirements of this Section shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period not to exceed one (1) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. If two or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is non-conforming.

O. Variances and Limitation on Reapplication:

1. Relief from any dimensional requirement of this Ordinance may be granted by the Zoning Board of Appeals in accordance with Article XV. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
2. No application for a waiver of a spacing requirement or other Zoning Board of Appeals approval for a Regulated Use which has been denied wholly or in part, or granted with conditions shall be resubmitted for a period of one (1) year from the date of said order, except on the grounds of new evidence not previously available or proof of changed conditions.

P. Expansion and Discontinuance:

1. Once established, a sexually oriented business may not be expanded in any manner without first applying for and receiving approval of the Zoning Administrator or Planning Commission.
2. If the regulated use is voluntarily discontinued, the use may not be re-established without first applying for and receiving the approval of the Planning Commission.

6.16 INSTITUTIONAL STRUCTURES

- A. Have entrance and exit drives directly onto a county road or state highway.
- B. Shall be setback one hundred (100) foot from adjacent residential uses.

6.17 WIRELESS COMMUNICATION TOWERS

6.17.1 Intent

The purpose of this Section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of the Section are to:

- A. This This Protect other land uses, especially residential uses, from potential adverse impacts of towers and antennas.
- B. Minimize the total number of towers throughout the community.
- C. Strongly encourage the joint use of new and existing tower sites as a primary option.
- D. Encourage users of towers and antennas to locate them, to the extent possible, to preserve the fragile aesthetics of the tourism based economy of the Township.
- E. Encourage users of towers and antennas to configure them in a way to minimize adverse visual impact through careful design, siting, landscaping, alternative structures and innovative camouflaging techniques.
- F. Enhance the ability of the providers of telecommunication services to provide such services quickly, effectively and efficiently.
- G. Consider the public health and safety of communication towers.
- H. Avoid potential damage to adjacent properties from tower failure.

6.17.2 General Requirements

- A. This section does not apply to an activity or use that is regulated by the small wireless communications facilities deployment act, 2018 PA 365, MCL 460.1301 to 460.1339.
- B. The terms "colocate", "equipment compound", "wireless communications equipment", and "wireless communications support structure" as used herein shall have the definitions assigned to them by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
- C. Towers and antennas may be considered either a principal or accessory use, whenever possible:
 - 1. Antennas shall be placed on existing structures.
 - 2. Shall be limited to the lowest possible height which still allows reasonable coverage of an area.
 - 3. Shall be a neutral color and shall not be lighted unless otherwise required by the FAA or FCC.

4. Towers shall comply with engineering standards for structural integrity.
5. Towers shall not be considered "Essential Services" or public or private utilities, but shall instead be regulated by this Section.
6. No signs or advertising shall be allowed on a tower.
7. Antennas and metal towers shall be grounded for protection against direct strike by lightning.
8. Towers shall be set back from any adjoining lot line a distance of at least equal to the height of the tower.
9. No new tower shall be permitted unless the applicant demonstrates, to a reasonable satisfaction, that no existing tower or structure is available because of engineering requirements, structural strength, height, or electromagnetic interference.
10. Towers shall be enclosed by security fencing not less than six (6) feet in height and be equipped with an anti-climbing device.
11. Tower facilities shall be landscaped with a buffer strip of plant materials at least ten (10) feet wide and of sufficient height to effectively screen the compound. If evergreens are utilized that will attain a height of eight (8) feet or more at maturity, they must be at least three (3) feet in height when planted.

6.17.3 Application for Permit; Exemptions-Uses

- A. Towers less than seventy (70) feet in height, owned and operated by a federally licensed amateur radio station operator, or used exclusively for receiving only antennas are exempt from this Ordinance.
- B. Antennas located on public property under lease or license with a governmental agency shall be exempt from a permit under this Section.
- C. The Zoning Administrator may issue a Land Use Permit for a tower or antenna, after an administrative review:
 1. For an antenna to be attached to an existing structure, provided the antenna does not extend more than thirty (30) feet above the highest point of the structure.
 2. For the replacement of a lattice tower or guy tower with a monopole tower.
 3. For one extension of a tower, not to exceed thirty (30) feet, to facilitate the co-location of an additional antenna, but not to exceed a total height of one hundred ninety nine (199) feet.
 4. If all of the following conditions apply:

- a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - b. The existing wireless communications support structure or existing equipment compound is in compliance with the local unit of government's zoning ordinance or was approved by the appropriate zoning body or official for the local unit of government.
 - c. The proposed collocation will not do any of the following:
 - 1. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - 2. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - 3. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.
- D. Wireless communications equipment that meets the requirements of subsection ##.B.3.d.i and ii above but does not meet the requirements of subsection ##.B.3.d.iii or iv is a permitted use of property if it receives special land use approval under subsections ##.B.5 below. Special land use approval of wireless communications equipment described here shall be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.

6.17.4 Inventory of Existing Sites

Each applicant for a tower and/or antenna permit shall provide the Zoning Administrator with an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the Township, or within one (1) mile of the Township limits, including specific information about the location, height, design, occupancy and capacity of each tower. The Zoning Administrator may share such information with other applicants, however, the Zoning Administrator is not, by sharing such information, in any way representing that such sites are available or suitable.

6.17.5 Buildings and Equipment Storage

Cabinet or storage structure shall contain no more than two hundred (200) square feet of gross floor area, or be more than nine (9) feet in height. Where antennas are co- located on a single tower, the size of the structure may be increased by fifty (50) percent of the basic size for each additional antenna.

6.17.6 Removal of Abandoned Towers and Antennas

Any tower or antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed within ninety (90) days after notice from the Township. Failure of the owner to remove the abandoned tower or antenna within the said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. Any tower or antenna damaged or destroyed may be repaired or rebuilt without having to first obtain a Special Use Permit, provided the type, height and location is the same as the original tower or antenna.

6.17.7 Separation – Residential Structures

- A. No tower greater in height than seventy (70) feet may be located nearer to a single family or multifamily structure or platted residentially zoned parcel than two hundred (200) feet or three hundred (300) percent of its height, whichever is greater.
- B. No tower greater in height than seventy (70) feet may be located nearer to vacant unplanted residential lands than one hundred (100) feet or one hundred (100) percent of its height, whichever is greater.

6.17.8 Separation – Other Towers

Except as otherwise provided in this Section, towers shall be separated from each other according to the following:

- C. Lattice and guy towers more than seventy (70) feet in height shall be located at least five thousand (5,000) feet from any other lattice or guyed tower more than seventy (70) feet in height, and at least fifteen hundred (1,500) feet from any monopole more than seventy (70) feet in height and vice versa.
- D. Monopoles more than seventy (70) feet in height shall be located at least seven hundred fifty (750) feet from another monopole more than seventy (70) feet in height.

6.18 WAREHOUSING, COMMERCIAL STORAGE

- A. Activities shall be carried on in completely enclosed buildings unless located at least three- hundred (300) feet of any residential use.
- B. All outdoor storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates, such fence or wall shall be at least eight (8) feet in height, but in no case shall the fence be lower than the enclosed storage.

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- C. Such storage shall not be deemed to include the parking of licensed motor vehicles under one (1) ton rated capacity.
- D. Noise emanating from a use in this district shall not exceed the level of ordinary conversation at the boundaries of the lot. Noise may equal but shall not exceed average street traffic noise. Uses in this district shall conform to the following standards.
 - 1. Shall emit no obnoxious, toxic or corrosive fumes or gases which are harmful to the public health, safety or general welfare, except for those produced by internal combustion engines under designed operating conditions.
 - 2. Shall emit no smoke, odorous gases, or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel.
 - 3. Shall not discharge into the air dust or other particulate matter.
- E. Yards shall conform to the following standards:
 - 1. Except for landscape improvements and necessary drives and walks, the front yard shall remain clear and shall not be used for parking, loading, or accessory structures.
 - 2. Side and rear yards, except for a strip along the lot boundary ten (10) feet in width, may be used for parking and loading but not for storage.

6.19 OUTDOOR SALES & DISPLAYS

The outdoor display of goods for retail sale shall be allowed as an accessory use to an approved or permitted principal use where good are commonly sold subject to the following standards:

- A. All outdoor displays shall be located within ten (10) feet of the principal structure.
- B. Outdoor display areas located elsewhere on the property shall only be allowed if part of an approved site plan and must be screened from residential uses or districts.
- C. Outdoor displays shall not inhibit safe pedestrian circulation and shall not reduce the unobstructed width of any sidewalk below four (4) feet.
- D. Outdoor displays shall not inhibit vehicle circulation onto or within the site and shall not be located within any off-street parking area. Clear lines of site for pedestrians and vehicles shall not be obstructed by outdoor displays.
- E. Outdoor displays shall not be located within any public rights-of-way unless authorized by the applicable road agency.

ARTICLE 7: SITE PLAN REVIEW

7.1 INTENT & PURPOSE

This Article governs the processes and standards for uses and structures which site plan approval is required under this Ordinance. The Article is to specify the documents and/or drawings required, to ensure that a proposed land use or development activity is in compliance with this Ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

7.2 SITE PLAN REVIEW REQUIRED

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical and use changes in the property actually occurs as it was planned and represented by the developer, and approved by the Planning Commission. Site plan review shall be required for the following uses and circumstances:

- A. All new uses and/or structures except one-family or two-family residential units, associated accessory structures to one-family or two-family residential units, and agricultural buildings.
- B. Expansion or renovation of an existing use (structure or lot), other than one-family or two-family residential use, which increases the existing floor space more than twenty-five (25) percent.
- C. Other uses as required by this Ordinance.

7.3 STANDARDS FOR SITE PLAN APPROVAL

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

- A. Adequacy of Information: The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- B. Site Design Characteristics: All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.
- C. Site Appearance: Landscaping, earth berms, fencing, signs, walls, structures and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

- D. Compliance with District Requirements: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Article 3, unless otherwise provided in these regulations.
- E. Privacy: The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.
- F. Emergency Vehicle Access: All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- G. Circulation: Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. All streets shall be developed in accordance with any adopted Township private road standards, or if a public road, the County Road Commission specifications.
- H. Parking: Any off-street parking facility shall meet all applicable design standards of this Ordinance.
- I. Drainage: Appropriate measures shall be taken to ensure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Drainage plans shall be subject to review and approval by the Township Engineer/consultant.
- J. Grading: All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development of surrounding property for uses permitted in this Ordinance by limiting topographic modifications that result in a smooth natural appearing slope as opposed to abrupt changes in grade between the project and adjacent areas.
- K. Soil Erosion and Sedimentation: The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current Benzie County Construction Code standards.
- L. Exterior Lighting: Exterior lighting shall be designed so that it is deflected away from adjoining properties, directed downward, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets.

- M. Public Services: Adequate services and utilities shall be available or provided and shall be designed with sufficient capacity and durability to properly serve the development.
- N. Screening: Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public rights-of-way, shall be effectively screened at an adequate height. All walls must be solid and constructed of durable material and cannot be located in required setbacks.
- O. Danger from Fire and Hazards: The level of vulnerability to injury or loss from incidents involving fire and hazardous materials or processes shall not exceed the capability of the Township to respond to such incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Township shall consider the location, type, characteristics, quantities, and use of materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Township. Sites that include significant storage of flammable or hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.
- P. Health and Safety Concerns: Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise, dust, smoke and other air pollutants, vibration, glare, heat, fire and explosive hazards, gases, electromagnetic radiation, radioactive materials, and toxic and hazardous materials.
- Q. Phases: All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
- R. Conformance: Site plans shall conform to all applicable requirements of state and federal statutes and the Lake Township Master Plan, and approval shall be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the site plan is granted.

7.4 SITE PLAN APPLICATION REQUIREMENTS

An application for site plan review shall be submitted on a form provided by the Township with the required items presented in the table below. Required items shall be demonstrated on the site plan drawings, written narrative/submitted documentation, or both as indicated in the table.

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/ Submissions
1.	The date, north arrow, and scale. Scale shall be as follows: < 3 acres: One (1) inch = fifty (50) feet > 3 acres: One (1) inch = one hundred (100) feet	✓	
2.	A boundary survey of the property, to include all dimensions, setbacks, gross and net acreage, and legal description.	✓	

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/ Submissions
3.	The location and width of all abutting rights-of-way.	✓	
4.	The existing zoning district in which the site is located and the zoning of adjacent parcels.	✓	
5.	The location of all existing and proposed structures and uses on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.	✓	
6.	Description of all existing and proposed structures referenced in item 5.		✓
7.	The location and identification of all existing structures within a two hundred (200) foot radius of the site.	✓	
8.	The location and description of the environmental characteristics of the site prior to development such as topography, soils, vegetative cover, mature specimen trees, drainage, streams, wetlands, shorelands, or any other unusual environmental features.	✓	✓
9.	Natural features that will be retained, removed, and/or modified including vegetation, hillsides, drainage, streams, wetlands, shorelands, and wildlife habitat.	✓	
10.	The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate areas of change.		✓
11.	A landscaping plan with all existing and proposed landscaping, walls and/or fences.	✓	
12.	A grading plan showing the topography of the existing and finished site, including ground floor elevations, shown by contours or spot elevations. Contours shall be shown at height intervals of two (2) feet or less.	✓	
13.	A stormwater management plan showing all existing above and below grade drainage facilities, and proposed plans incorporating low impact development water quality technologies and other best management practices.	✓	✓
14.	Location, type and size of all above and below grade utilities.	✓	
15.	Type, direction, and intensity of outside lighting shown on a photometric plan in compliance with exterior lighting standards.	✓	
16.	Location of any cross-access management easements, if required.	✓	
17.	Location of pedestrian and non-motorized facilities, if required.	✓	
18.	An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects.		✓

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/ Submissions
19.	The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.		✓
20.	Plans to control soil erosion and sedimentation, including during construction.	✓	✓
21.	The method to be used to serve the development with water.		✓
22.	The method to be used for sewage treatment.		✓
23.	The number of units proposed, by type, including a typical floor plan for each unit, dimensions, and area in square feet.	✓	
24.	Elevations for all building facades.	✓	
25.	The number of people to be housed, employed, visitors or patrons, anticipated vehicular and pedestrian traffic counts, and hours of operation.		✓
26.	Phasing of the project, including ultimate development proposals.	✓	
27.	General description of deed restrictions and/or cross-access management easements, if any or required.		✓
28.	The name and address of the property owner.	✓	✓
29.	Name(s) and address(es) of person(s) responsible for preparation of site plan drawings and supporting documentation.	✓	✓
30.	Sealed/stamped drawings from a licensed architect, engineer, or landscaped architect.	✓	

- A. Upon the recommendation of the Zoning Administrator, the Planning Commission may waive any of the above required items based upon a finding that it is not applicable.
- B. The Planning Commission, Zoning Administrator, or other party authorized by the Township may request any additional information it deems necessary in the review of a submitted site plan.
- C. Evidence must also be submitted which shows the plan has been submitted for review to all affected jurisdictions, including but not limited to Benzie County Road Commission, Benzie County Drain Commissioner, local fire and emergency services providers, Health Department, Michigan Department of Transportation (MDOT), Michigan Department of Energy, Great Lakes, and Environment (MDEGLE), and Michigan Department of Natural Resources, where applicable. If an applicable review is not submitted, statement of a date certain for submission or the reason why their review is not applicable must be provided.

- D. All site plan drawings and application shall be submitted in quantities requested by the Zoning Administrator on sheets twenty-four (24) inches by thirty-six (36) inches or eleven (11) inches by seventeen (17) inches, and in digital PDF format.

7.5 SITE PLAN APPLICATION REVIEW PROCEDURES

- A. Pre-Application Conceptual Review: An applicant shall be required to attend a pre-application conceptual review with the Zoning Administrator to discuss in general the substantive requirements for the application prior to formal submittal of a site plan review application. The purpose is to gather feedback on the proposed land use and potential requirements by the Township. Feedback provided by the Zoning Administrator and/or Township designee under a pre-application conceptual review is non-binding, subject to change, and is not to be construed as a guarantee for approval. A pre-application conceptual review does not include a completeness or technical review by the Zoning Administrator.
- B. Completeness Review: All required application materials shall be presented to the Zoning Administrator's office by the property owner or their designated agent. The Zoning Administrator shall review the application for completeness in order to determine if the application has been properly submitted and the applicant has corrected all deficiencies. Completeness reviews are solely for the purpose of determining whether the preliminary information required for submission of the application is sufficient to allow further processing and shall not constitute a decision as to whether an application complies with the provisions of this Ordinance. Once deemed complete, the application will be placed on the next regularly scheduled Planning Commission meeting.
- C. Technical Review: An application determined to be complete will undergo a technical review by the Zoning Administrator to determine compliance with applicable standards. This review may include distributing the plan to other local agencies or departments with jurisdiction for comment on any problems the plans might pose and shall result in a report submitted to the Planning Commission with the site plan review application. Once the technical review is complete, the application will be placed on the agenda for consideration at the next regularly scheduled Planning Commission meeting.
- D. Zoning Board of Appeals: When a site plan review is dependent on a variance by the Zoning Board of Appeals, the granting of the variance(s) shall be necessary before a determination is made on the site plan review.
- E. Planning Commission Review: All applications not determined by the Zoning Administrator shall be reviewed by the Planning Commission for a determination.

7.6 SITE PLAN APPLICATION DETERMINATIONS

The Zoning Administrator or Planning Commission shall review the application and make a determination to approve the application, require any conditions it may find necessary, or deny the application.

- A. Approval: The site plan shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

- B. Conditional Approval: The Zoning Administrator or Planning Commission may approve a site plan, subject to any conditions, to address necessary modifications, obtain variances, or for approvals from other agencies. Conditions imposed shall meet each of the following objectives:
1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, 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.
 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- C. Denial: If the Zoning Administrator or Planning Commission determines that a proposed site plan does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare, or orderly development of the Township, it shall deny the application by a written endorsement which clearly sets forth the reason for such denial.

7.7 RECORD OF ACTIONS

The Township shall keep a record of decisions on all site plans on file in the Clerk's Office. The record shall include the following information:

- A. Minutes: All minutes from any meeting where the site plan was considered.
- B. Finding of Fact: The decision on a site plan review shall be incorporated in a finding of fact relative to the land use under consideration and shall specify the basis for the decision and any conditions imposed.
- C. Final Site Plans: One (1) electronic pdf version and two (2) full size print sets (24" x 36") of the final site plans stamped by a licensed architect, landscape architect, or civil engineer.
1. Approved site plans shall include any required revisions and the date of the revisions. The print sets shall be marked "Approved" and signed and dated by the applicant and Planning Commission Chair if approved by the Planning Commission, or the Zoning Administrator if administratively approved.
 2. Denied site plans shall be marked "Denied" and signed and dated by Planning Commission Chair if denied by the Planning Commission, or the Zoning Administrator if administratively denied.
- D. Development Agreement: An approved site plan shall include a site plan development agreement outlining the approved use, any applicable conditions, and procedural process. The development agreement shall be signed and notarized by the applicant and Planning Commission Chair.

7.8 EXPIRATION & REVOCATION

- A. Expiration: A site plan review approved under this Article shall be valid for a period of one (1) year from the date of approval. If the applicant fails to submit an application for a zoning permit to the Township for the approved site plan review in that time period, then the site plan review approval shall automatically expire. The applicant may request an extension of the permit by submitting a written request for consideration to the Planning Commission before the expiration date. The Planning Commission may grant one (1) extension for a period of up to one (1) year.
- B. Revocation: If a violation of any of the conditions or standards imposed on an approved site plan review is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises, the applicant of the site plan review, and the Planning Commission that such violation exists and that the site plan review approval will be revoked within fifteen (15) days of such notification if not corrected. If said violation is not corrected within fifteen (15) days, the Planning Commission may revoke the permit. Furthermore, such a violation is hereby declared a violation of this Ordinance, subject to all the remedies and penalties provided for within this Ordinance.
- C. Expiration of Application: During the course of any application review, if an applicant has failed to proceed meaningfully towards application completion or application decision for a period of one-hundred and twenty (120) consecutive calendar days, then the application shall be considered abandoned and expire. If the applicant would like to proceed following the one-hundred and twenty (120) days, a new application, documentation, and fee shall be required. This shall be processed as a new application.

7.9 AMENDMENTS & MODIFICATIONS

A previously approved site plan may be modified subject to the following procedures:

- A. Insignificant Deviations: The Zoning Administrator may authorize insignificant deviations in an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed. A deviation is insignificant if the Zoning Administrator determines it will result in no discernible changes to or impact on neighboring properties, the general public, or those intended to occupy or use the proposed development and will not noticeably change or relocate the proposed improvements to the property.
- B. Minor Amendments: The Planning Commission may permit minor amendments to an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed unless otherwise requested to be modified, and do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, demand for public services, or vulnerability to hazards. The Planning Commission may make a decision on minor amendments upon receipt of an application. Minor amendments are those modifications the Zoning Administrator determines will have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, but exceed the extent to which can be approved as an insignificant deviation.
- C. Major Amendments: All other requests for amendments to an approved site plan shall be processed in the same manner as a new application. The Planning Commission may impose new conditions

on the approval of an amendment request if such conditions are warranted as described in this Article. The holder of the original site plan approval may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing site plan approval.

7.10 FEES & PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a site plan review application shall be consistent with the requirements in Article 12.

ARTICLE 8: SPECIAL LAND USES

8.1 INTENT & PURPOSE

This Article provides the review procedures and standards instituted to provide an opportunity to use a lot or parcel for an activity which, under certain circumstances, might be detrimental to other permitted land uses, or which contain unique features. The procedures and standards apply to those special use permit uses which are specifically designated as such in this Ordinance.

8.2 GENERAL STANDARDS

Each application for a special use permit shall be reviewed on an individual basis for conformity and compliance with the standards of this Ordinance, including those for site plan review and the specific standards below:

- A. Will be in accordance with the general objectives, intent, and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained, and managed so as to be appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, and refuse disposal, or those persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public expense for public facilities and services.
- F. Will be in accordance with all required conditions of the district in which it will be located.
- G. Will not be detrimental to existing and/or other permitted land uses in the applicable zoning district.

8.3 SPECIAL USE PERMIT APPLICATION REQUIREMENTS

An application for special use permit approval shall include a complete site plan review satisfying all the standards in Article 7 and a special use permit application on a form provided by the Township, and a statement addressing all of the general standards for approval.

8.4 SPECIAL USE PERMIT APPLICATION REVIEW PROCEDURES

The procedures for a special use permit application review shall follow those for a site plan review in Article 7 with the following modifications:

- A. Planning Commission Review: The Planning Commission shall:

1. Review the application to determine if it satisfies the standards for special use permits, and all other applicable standards of this Ordinance. Administrative review shall not be an option for special use permit applications.
2. Hold a public hearing to consider the proposed special use permit application consistent with the procedures for a public hearing in Article 12.
3. The Planning Commission shall establish a finding of fact to make a determination to approve, approve with conditions, or deny the special use permit application.

8.5 SPECIAL LAND USE DETERMINATIONS

- A. Approval: The special use permit application shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and local, state, and federal statutes. Such approval shall affect only the lot or area thereof upon which the use is located.
- B. Conditional Approval: The Planning Commission may approve a special use permit, subject to any conditions to address necessary modifications, obtain variances, or for approvals from other agencies. Conditions imposed shall meet the objectives outlined in Article 7.

Denial: If the Planning Commission determines that a proposed special use permit application does not meet the standards of this Ordinance, it shall deny the application.

8.6 RECORD OF ACTIONS

All decisions on a special use permit application shall be recorded consistent with the requirements of Article 7 with the addition that the development agreement and final site plans be recorded at the Benzie County Register of Deeds Office and evidence of the record be submitted to the Township Clerk within forty-five (45) days.

8.7 EXPIRATION & REVOCATION

The standards and procedures for expiration and revocation of an approved special use permit shall be the same as those for site plan review in Article 7.

8.8 AMENDMENTS & MODIFICATIONS

The standards and procedures for amendments or modifications of an approved special use permit shall be the same as those for site plan review in Article 7, with the exception that a major amendment to an approved special use permit will require a new public hearing following the standards and process in Article 7.

8.9 FEES & PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a special use permit application shall be consistent with the requirements in Article 12.

ARTICLE 9: LAND DEVELOPMENT OPTIONS

9.1 PLANNED RESIDENTIAL DEVELOPMENTS – OPEN SPACE PRESERVATION

(Additional edits to this section for consideration include application requirements / submissions procedures, application review procedures, pre-app submissions, PRD application determinations, Twp. Board Review & Approval, Final PRD Site Plan Review, Termination & Expiration, Fees & Performance Guarantees, Interpretation of Approval, Amendments to PRD Plan)

Intent and Purpose: It is the purpose of this Section to encourage more imaginative and livable housing environments within Lake Township and to comply with the requirements of Act 110 of 2006, as amended, by allowing for a planned reduction of the individual lot area requirements for all residential zoning districts, provided the overall density requirements for each district remain the same.

- A. **Application:** Application and approval shall be as outlined in Article XI, Major Site Plan Review. In addition, as part of the review process, a yield plan showing the proposed development as it would be permitted under conventional development regulations in the zoning district where the property is located, as outlined in this Ordinance, shall be submitted by the applicant.

The Planning Commission shall use this yield plan in determining the density and number of dwelling units to be used in calculating the Open space Preservation Development Plan.

All other regulations of the zoning district, such as building height, setbacks, minimum floor area, etc., remain in full effect as outlined in the zoning ordinance regulations.

- B. **Access:** All access to the interior roads of the proposed development and the development itself shall not create or use more than two (2) curb cuts to a public road, unless approved by the Benzie County Road Commission or the Michigan Department of Transportation District Manager. Access shall meet all standards set forth by the Benzie County Road Commission and the Michigan Department of Transportation.
If the interior access to serve dwelling units is to be by private road, such access shall meet all of the requirements of the private road standards and regulations of the Township as outlined in Article III of this ordinance.

- C. **Dedication of Open Space:** The applicant shall provide to the Township evidence of the creation of legal documents, as filed with the Benzie County Register of Deeds, setting aside the dedicated open space created as part of the project as permanent open space in perpetuity.

Such dedication may be in the form of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land.

All land not intended to be conveyed to individual dwelling units, building envelopes or lots shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and shall be approved by the Township Attorney to assure the following:

- 3. Title to open space is held in common ownership by the owners of all units/lots in the Open Space Development.

4. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of a Land Use Permit.

9.2 MANUFACTURED HOME DEVELOPMENTS

Manufactured home developments have special characteristics which require full consideration of the locational needs, their site layout and design, their demand upon community services and their relationship to and affect upon surrounding uses of land. Such developments shall comply with all the requirements of Act 96 of 1987, as amended, and the rules and regulations of the Michigan Manufactured Housing Commission.

9.3 SITE CONDOMINIUM SUBDIVISION PLAT DEVELOPMENT

This section requires site plan review of condominium subdivisions to ensure that condominium projects comply with this Zoning Ordinance and all other applicable ordinances. Condominium projects may be approved, as provided by this section, in any Zoning Districts.

- A. The overall density of the condominium project shall not be higher than the underlying zoning district allows. The total acreage of the project, divided by the minimum lot size of the underlying zoning district, equals the number of building sites permitted. Compliance with required front, side and rear yards, shall be determined by measuring the distance from the equivalent front, side or rear yard boundaries of the building site to the closest respective front, side or rear boundary of the building footprint or envelope.
- B. All dedicated public roadways in site condominium subdivisions shall meet the requirements of the Benzie County Road Commission's standards for roads.
- C. Preliminary Site Condominium Subdivision Plan: All site condominium subdivisions shall require preliminary site condominium development plan approval by the Planning Commission prior to conducting any on-site improvements.
- D. Six (6) copies of the preliminary site condominium subdivision plan and other required documentation shall be submitted to the Zoning Administrator at least twenty (20) days before a meeting of the Planning Commission. The Planning Commission shall study the plan and shall either approve or disapprove the preliminary plan. The information and drawings must be clearly marked "Preliminary Site Condominium Subdivision Plan."
- E. Any changes in the preliminary site condominium subdivision plan, once it has been approved, must be submitted to the Planning Commission for approval in compliance with this section.
- F. The following information shall be included in the preliminary condominium development plan:
 1. A site plan in accordance with Article 7.
 2. A site condominium subdivision plan in accordance with the requirements of Section 66 of the Condominium Act, P.S. 59 of 1978.

3. Documented proof of review by the Benzie County Road Commission, the Benzie County Health Department, the Michigan Department of Transportation, the Michigan Department of Natural Resources (MDNR).
- G. In its review of the preliminary site condominium development plan, the Planning Commission may consult with the Zoning Administrator, an Attorney, Engineer, Fire Chief, Planner, or other appropriate officials and persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed project. Any costs incurred will be charged to the applicant.
 - H. Approval of the preliminary site condominium development plan shall authorize the construction of necessary site improvements. Construction of buildings and structures shall not be permitted until a final site condominium subdivision plan has been approved by the Planning Commission.
 - I. Final Site Condominium Subdivision Plan: Six (6) copies of the final site condominium subdivision plan ("as-built") and other required documentation shall be submitted to the Zoning Administrator who shall study the plan and shall either approve or disapprove the final site condominium subdivision plan. The information and drawings must be clearly marked "Final Site Condominium Subdivision Plan."
 - J. No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site condominium subdivision plan as approved by the Planning Commission, including any conditions of approval and other applicable requirements of local, state, or federal laws and regulations.
 - K. No building permits shall be issued for a site condominium project until a final site condominium subdivision plan has been approved by the Planning Commission, all conditions to commencement of construction imposed by the Planning Commission have been met, and all applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.
 - L. Final Approval: The Township Clerk shall be furnished with a copy of the recorded master deed, as defined in Section 8 of the Condominium Act prior to the issuance of any building permits. The master deed must ensure that the Township will not be responsible for maintenance or liability of the non-dedicated portions of the subdivision, that all private roads will be properly maintained, that snow removal will be provided, and that there is adequate access and set up area for emergency vehicles. Responsibility for the maintenance of stormwater retention areas, drainage easements, drainage structures, lawn cutting, and other general maintenance of common areas must be clearly stated in the recorded master deed.
 - M. Approval of the final site condominium subdivision plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission in compliance with the procedures, standards, and requirements of this section.

- N. Any significant change proposed in connection with a site condominium project for which the final site condominium subdivision plan has previously been approved by the Planning Commission shall be subject to review as required for the original application provided by this Section.

ARTICLE 10: NONCONFORMITIES

10.1 INTENT & PURPOSE

It is the intent of this Ordinance to permit legal nonconforming uses, sites, structures, and lots to continue until they are removed. It is recognized that there exists within districts established by this Ordinance and subsequent amendments, uses, sites, structures, and lots which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

10.2 GENERAL STANDARDS

- A. Continuation: On or after the effective date of this Ordinance or any subsequent amendments, a nonconformity that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances, statutes, or regulations in effect at that time may continue subject to this Article.
- B. Change in Tenancy or Ownership: There may be a change of tenancy, ownership, or management of any existing nonconforming use or structure which does not alter the nonconforming status.
- C. Issued Zoning Permit: Any zoning permits issued prior to the effective date of this Ordinance, or any subsequent amendments, shall be valid in accordance with its terms, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within twelve (12) months after the date of permit issuance and proceeds meaningfully until completion.
- D. Exception for Repairs Pursuant to Public Order: Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this Ordinance prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.

10.3 NONCONFORMING USES

- A. Continuance: A nonconforming use shall not be enlarged or moved, in whole or in part, to any other portion of the lot or parcel that was not occupied by the use at the time the use became nonconforming. However, a nonconforming use may be extended throughout any part of an existing structure, which was designed for such use, and which existed at the time the use became nonconforming.
- B. Enlargement or Expansion: A conforming structure in which a nonconforming use is operated shall not be enlarged or expanded unless approved by the Zoning Board of Appeals, except as required by law or to comply with an order of the Building Official.

C. Change of Use Regulations:

1. Changes to Conforming Uses: Any nonconforming use may be changed to a use conforming with the regulations established for the district in which the nonconforming use is located, provided, however, that a nonconforming use so changed shall not in the future be changed back to the former nonconforming use.
2. Approval Standards: The Zoning Board of Appeals shall only approve the enlargement or expansion of an existing conforming structure for a nonconforming use or the change of use to another nonconforming use if it makes findings in support of each of the following:
 - a. The new use or expansion will not be contrary to the public interest.
 - b. The new use or expansion will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.
 - c. The new use or expansion will be in harmony with the spirit and purpose of these regulations and the master plan goals, objectives, and policies.
 - d. The plight of the applicant for which the new use or expansion is sought is due to unique circumstances existing on the property and/or within the surrounding district.
 - e. Approval of the new use or expansion will not substantially weaken the general purposes of this Section or the regulations established in this Ordinance for the applicable zoning district.
 - f. The new use or expansion shall not require more off-street parking and loading space than the former nonconforming use unless additional adequate off-street parking and loading space is provided for the increment of the new nonconforming use or expansion as if the increment were a separate use.
 - g. The new use or expansion shall conform to all regulations and standards established this Ordinance.
 - h. The new use or expansion will not adversely affect the public health, safety, and welfare.

D. Abandonment.

1. If a nonconforming use is abandoned for any reason for a period of more than twelve (12) calendar months, any subsequent use shall conform to the requirements of this Article.
2. A nonconforming use shall be determined to be abandoned if two (2) or more of the following conditions exist that demonstrate intent on the part of the property owner to abandon the nonconforming use.
 - a. Whether utilities have been disconnected.
 - b. Whether any signs have been removed or have fallen into disrepair.
 - c. Whether any fixtures within and outside the building have been removed.
 - d. Whether the property has fallen into disrepair or is considered "blighted."
 - e. Whether U.S. Mail delivery has been terminated or mail is forwarded to another address.

- f. Whether the classification of the property for tax purposes has been changed to reflect another use.
- g. Whether any license associated with the use has expired.
- h. Removal of signs or other indications of the existence of the nonconforming use.
- i. Whether there are any other similar changes to the nonconforming structure or use.

10.4 NONCONFORMING STRUCTURES

Nonconforming structures may be continued, repaired, replaced, enlarged or expanding in accordance with the following provisions:

- A. Continuance of Nonconforming Structures: Subject to all limitations in this Article, any nonconforming structure may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless in accordance with the allowable standards of this Article. Nonconforming structures that are demolished or removed cannot be replaced unless constructed in compliance with all the dimensional and use requirements of this Ordinance.
- B. Repair and Maintenance of Nonconforming Structures: Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of any nonconforming structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures.
- C. Replacement of Damaged Nonconforming Structures: Nothing in this Ordinance shall prevent the replacement of any nonconforming building or structure damaged or destroyed by fire, windstorm, snowstorm, rainstorm, flood or other casualty damage beyond the control of the owner, provided such replacement utilizes the original structure footprint, does not increase the original usable floor area or volume of such structure.
- D. Enlargement or Expansion: A nonconforming structure in which only permitted uses are operated may be enlarged or expanded with approval of the Zoning Administrator and meeting the following:
 - 1. The use occurring in the structure is a conforming use.
 - 2. Any expansion will result in the structure being more conforming to the requirements of this Ordinance (i.e.; closer to meeting the minimum structure size requirements of the zoning district).
 - 3. The expansion will meet the dimensional requirements of the zoning district (i.e. setbacks, height, lot coverage, etc.)

10.5 NONCONFORMING LOTS OF RECORD

- A. The Zoning Administrator may issue land use permits to lots of record where healthful, safe and sanitary water source and waste disposal systems are available. The setback requirements shall conform to those provided in this Ordinance. However, in the case of previously platted lots, where setback requirements cannot be met, the most suitable building site shall be chosen so as not to endanger the aesthetic character of the surrounding area.
- B. On any lot of record lawfully existing prior to the adoption of this Ordinance, the Zoning Administrator is authorized to waive the minimum lot size and width at the building line requirements, provided that the intended structure is in full compliance with all other requirements of this Ordinance.
- C. Existing Structures: Where a structure already exists on a parcel and it is nearer a front or a rear lot line than the setback required for that district, the Zoning Administrator is authorized to issue a land use permit to expand said structure or erect an accessory building, provided such addition or new construction is not located nearer a front or rear lot line than the existing structure and will not cause a threat to wetlands or water or cause a significant health or safety hazard.

ARTICLE 11: ZONING BOARD OF APPEALS

11.1 CREATION AND MEMBERSHIP

There is hereby established a Zoning Board of Appeals (ZBA) which shall perform its duties and exercise its powers as provided in Section 601 of Act 110 of Public Acts of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The ZBA shall consist of three (3) regular members, appointed by a majority vote of the Township Board of Trustees.

- D. The first regular member appointed shall be a member of the Planning Commission for the term of his/her office.
- E. A member of the Township Board may serve as a regular member but may not serve as chairperson.
- F. The remaining member of the Board must be selected from the electors of the Township and shall be representative of the population distribution and of the various interests present in the Township.
- G. An employee or contractor of the Township Board may not serve as a member or an employee of the ZBA.
- H. The Township Board may appoint not more than two (2) alternate members, for the same term as regular members to the ZBA. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve on that case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- I. A member of the ZBA may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his/her duties.
- J. A member may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself/herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself/herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- K. Terms for ZBA members shall be three (3) years, except for members serving because of their membership on the Planning Commission or Township Board whose terms shall be limited to the time they are members of the Planning Commission, or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointment may be for less than 3 years to provide for staggered terms. Vacancies for unexpired terms shall be filled for the remainder of the term.

Article 11

- L. Attendance: Since regular attendance is required for optimal function of the Board of Appeals, members of said Board, unless excused by the chairperson, shall be expected to notify the chairperson, or his/her designee of his/her expected absence prior to a meeting.

11.2 MEETINGS

Meetings of the ZBA shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rules of procedure. All hearings conducted by said Board shall be open to the public. The ZBA shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

The ZBA shall not conduct business unless a majority of the regular members of the Board members qualified to sit for a particular matter are present to constitute a quorum.

11.3 APPEALS

- A. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator or other body from which the appellant seeks relief.
- B. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator or other body from which the appellant seeks relief, and shall hear and decide appeals wherein it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or body in administering or enforcing any provisions of this Ordinance.
- C. The ZBA may also interpret the location of zoning district boundaries, may interpret the provisions of this Ordinance and have the authority to classify in which district an unclassified property use should be located based on similarities and dissimilarities with other listed property uses, and following the procedures contained in this Section.
- D. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
- E. Upon receipt of a demand for appeal, the Zoning Administrator will review the demand for appeal to insure it is complete and the fee is paid.
 - 1. If the application is not complete, the Administrator will return the application to the applicant with a letter that specifies the additional material required.

2. If the application is complete, the Administrator and Chairperson of the ZBA shall establish a date to hold a hearing on the appeal.
 3. The Zoning Administrator shall transmit to the ZBA all the papers constituting the record upon which the action appealed was taken. The final decision of such an appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or determination appealed. Reasons for the decision must be stated and shall be certified in writing within ten (10) days of the meeting at which the decision was made.
- F. In rendering a decision, the ZBA may, by a concurring vote of a majority of its members, reverse or affirm in whole or in part a decision or determination made by the Zoning Administrator, or designee, or other body from which the appellant seeks relief. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. All persons, not licensed to practice law in the State of Michigan, shall file a written statement signed by the principal stating the agent's right to act upon their behalf.

11.4 INTERPRETATION OF ZONING ORDINANCE PROVISIONS

The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question and carry out the intent and purpose of this Ordinance, the Master Plan, or any applicable planning documents. This shall include use determinations upon appeal of an opinion issued by the Zoning Administrator, and the consideration of expanding a conforming structure for a nonconforming use, and the replacement of a nonconforming use with another nonconforming use, subject to the applicable standards in Article 10.

11.5 DIMENSIONAL VARIANCES

The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

- A. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
- B. The need for the requested variance is not the result of action of the property owner or previous property owners or otherwise self-created.
- C. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- D. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.

- E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

11.6 CONDITIONS FOR A DIMENSIONAL VARIANCE

The ZBA may attach reasonable conditions with the approval of a dimensional variance. These conditions may include those necessary to 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, to protect the natural environment and conserve natural resources and energy. To ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will utilize 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 insure compliance with those standards.

11.7 ZONING BOARD OF APPEALS APPROVAL

The ZBA may require an appellant to submit surveys, plans, or other information deemed reasonably necessary to making an informed decision on his or her appeal. The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area. The decision of the ZBA is final. A party aggrieved by the decision may appeal to the circuit court of Benzie County within thirty (30) days after the ZBA issues its decision in writing signed by the chairperson, or twenty one (21) days after the ZBA approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the ZBA, or make other orders as justice requires.

11.8 EXERCISING POWERS

In exercising the above powers, the ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator or other body from whom the appeal is taken.

11.9 LIMITATIONS ON AUTHORITY

The ZBA has no authority to review the Planning Commission's decision on applications for Special Land Uses. These appeals are taken to the Circuit Court for Benzie County.

11.10 STAY

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by the Circuit Court, by application, or notice of the Zoning Administrator and on due cause shown.

11.11 NOTICE OF HEARING

Following payment of the required fee and receipt of a written request concerning an appeal of an administrative decision, a request for an interpretation of the zoning ordinance or a request for a variance, the Zoning Board of Appeals shall hold a public hearing with notice as per Section 12.9 of this Ordinance.

11.12 DURATION OF APPROVALS

No order of the ZBA permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. A six (6) month extension may be granted by the Board of Appeals if applied for prior to the expiration of the one (1) year period.

11.13 DENIAL AND RE-SUBMITTAL

No application for a variance which has been denied wholly or in part by the ZBA shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or when the Township's attorney certifies in writing that a mistake in the original procedure of the original hearing had been made.

11.14 APPEAL OF DECISIONS MADE UNDER THIS ARTICLE

Any party aggrieved by any order, determination, or decision made under this Article by the Zoning Administrator, the Planning Commission, the Township Board or the ZBA may obtain a review of that order, determination or decision in the Benzie County Circuit Court as provided for in section 607 of the MZEA.

ARTICLE 12: ADMINISTRATION, ENFORCEMENT & VIOLATIONS

12.1 ADMINISTRATION

It shall be the duty of the Zoning Administrator, who shall be appointed by and on such terms determined by the Township Board, to administer this Ordinance and to enforce the provisions contained herein.

The Zoning Board of Appeals shall interpret this Ordinance, hear appeals from acts or interpretations of the Zoning Administrator, make decisions on matters coming within its jurisdiction and instruct the Zoning Administrator as to the steps necessary to enforce its decision.

12.2 ZONING ADMINISTRATOR

It shall be the duty of the Zoning Administrator to receive applications for land use permits and issue or deny same; to inspect buildings or structures; to determine compliance with the land use permits issued in compliance with this Ordinance; and to be in charge of the enforcement of this Ordinance. The Township Board may, in its discretion, instruct the Zoning Administrator to make efforts to obtain voluntary compliance with this Ordinance. He/she shall perform such other duties as the Township Boards may prescribe.

The Zoning Administrator, or designee, shall enforce this Ordinance, and shall have the authority to:

- A. Approve all zoning permits and certificates of compliance.
- B. Conduct inspections of all buildings and structures and the use of all lands subject to the provisions of this ordinance to determine compliance.
- C. Maintain permanent and correct records of this ordinance including, but not limited to zoning permits, exceptions, variances and appeals.
- D. Provide and maintain a public information office relative to all matters arising out of the administration of the Ordinance.
- E. Investigate all applications for uses subject to special approval and variances addressed to the Planning Commission and Board of Appeals and report these findings to the Commission and Board.
- F. Initiate appropriate action for proceedings to prevent, restrain, correct or abate any illegal act in violation of this Ordinance.

12.3 LAND USE PERMITS

No person shall erect or place any building or structure, having more than one hundred (100) square feet of floor area, nor shall any person make an addition of more than one hundred (100) square feet of enclosed floor space to any existing building, or change or establish a new use for any land within any

zoning district without first obtaining a land use permit. Application shall be made to the Zoning Administrator for such permit, on forms to be supplied by him or her, together with a non-refundable application fee. The Zoning Administrator shall have the power to require proof of ability to comply with all of the requirements of this Ordinance pertaining to said use and may require a site plan review as specified in Article 7, and further he/she may also require proof of ability to meet all public health standards and applicable State and County laws, regulations and ordinances.

12.3.1 Land Use Permit Requirements

The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. The application shall be accompanied by:

- A. A site plan, if required, or a sketch to scale in duplicate showing the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein:
 - 1. The size, dimensions, location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered;
 - 2. The width and alignment of all abutting streets, highways, alleys, easements and public open spaces;
 - 3. The front yard dimensions of the nearest building on both sides of the proposed building or structure;
 - 4. The location and dimensions of sewage disposal facilities both on adjoining land or lots and those to be erected on the lot under consideration;
 - 5. And the location of all wells on adjoining lands or lots and those to be erected on the lot under consideration.
- B. The property owner shall physically stake on the ground the location of where buildings will be located. The Zoning Administrator shall inspect the site prior to construction to be sure that the actual locations of the proposed buildings on the ground are the same as the locations of the buildings as drawn on the site map.
- C. All outside agency permits shall be submitted with application for a land use permit. Outside agency permits include, but shall not be limited to, soil erosion, health department, road commission, wetland, MDOT, etc. If an outside agency permit is not required, the agency shall provide written documentation that a permit is not required.
- D. Such other information as may be required to determine compliance with the Ordinance.

Any Land Use Permit granted under this Ordinance that has been issued shall become null and void after twelve (12) months from date of issuance unless substantial construction has begun. No permit shall be transferable to another parcel.

The Zoning Administrator, or designee, may, in conjunction with the issuance of a municipal civil infraction, issue a stop work order on work in progress when that work violates any provision of the Zoning Ordinance. The stop work order shall remain in effect only until adjudication of the municipal civil infraction citation by the court or until modified or revoked by a court of competent jurisdiction.

For each Land Use Permit, a fee shall be paid to the Zoning Administrator, or designee, who shall turn over the funds to the Treasurer. No land use permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board.

12.4 FEES

The fees for applications, permits and other requests shall be established by the Township Board. Fees must be paid before any review of an application is performed or a permit is issued. Certain applications, permits and requests are subject to the Lake Township Escrow Policy, as defined in that policy.

12.5 ESCROW POLICY

In connection with any application, potential application, or any other time when outside assistance is required or anticipated to be need for a specific person, property, or project, the Township shall require the applicant to pay in advance into an escrow fund established to cover reasonable costs. These costs may include staff costs or consultant fees for professional and technical services required for a proper and thorough review of the application.

The Zoning Administrator may waive the requirement of establishing an escrow account when the matter to be considered does not contain issues regarding which the use of one or more consultants will be reasonably required before, during or after a final decision. However, if issues arise at any time regarding which the use of one or more consultants will be reasonably required before, during or after a final decision, the Zoning Administrator shall require that an escrow fund be established.

No application shall be considered complete until all costs have been paid and/or the escrow fund has been replenished as outlined below. The Township Clerk shall refund any unexpended funds within sixty (60) days of final action.

Should the escrow fund ever dip below fifty (50) percent of the original fund amount, the applicant shall be advised and required to replenish said escrow fund to the full original amount within five (5) business days of having been so notified by the Township Clerk. If it determined that more money than the initial deposit in necessary, the Township Clerk shall notify the applicant and the applicant shall deposit within five (5) business days. The failure of the applicant to either initially fund or replenish the escrow fund shall render the application incomplete and ineligible for further consideration until the escrow fund is replenished as required.

The applicant may seek an accounting from the Township Clerk of expenditures from the escrow fund when a request is made by the Township to replenish the fund and after a final decision on the application has been made. The applicant has no authority to approve or deny expenditures.

12.6 POSTING OF FINANCIAL GUARANTEE

The Township is empowered to require a performance bond, irrevocable letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping and drainage improvements associated with a project. Such performance guarantee shall be deposited with the Township Treasurer at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site plan; if not, said performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvement completed, as attested to by the depositor and verified by the Zoning Administrator, or designee. In cases where provisions of this Ordinance have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements; and the balance, if any, shall be returned to the applicant.

12.7 ON-SITE INSPECTION

Before issuing a land use permit for the erection of any building on land classified "high water table" (high seasonal stages of ground water level six (6) feet or less from the surface) as shown by the current Soil Survey of Benzie County, Michigan, as published by the United States Department of Agriculture, and, for lands within the Crystal Lake Watershed Overlay

District or the Platte Lakes Area Management Plan, an on-site inspection shall be made by the Zoning Administrator, or an inspection report submitted by a representative of the Soil Conservation District and the County Health Department supporting said use and any conditions or alterations recommended by the report shall be included in the Land Use Permit. The applicant shall bear the cost of such inspection and report.

12.8 PERMIT EFFECTIVE DATE

A land use permit shall be effective for twelve (12) months from the date of issue. Extension of that time may be obtained by applying to the Zoning Administrator. Such extension of permit effectiveness is required only if the land use change planned under the original permit had not been yet completed.

12.9 CERTIFICATE OF COMPLIANCE

Prior to occupancy or use associated with a permit, a certificate of occupancy shall be issued by the Zoning Administrator following an inspection to determine that construction was completed according to the approved permit.

12.10 PUBLIC NOTIFICATION

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.

A. Responsibility

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator or other designated official shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township and mailed or delivered as provided in this Section.

B. Content

All mail, personal and newspaper notices for public hearings shall:

1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, variance, appeal, ordinance interpretation or other purpose.
2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

C. Personal and Mailed Notice**1. General**

When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:

- a. The owner(s) of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
- b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the

property or occupant is located within the boundaries of the Township. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased to different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive the notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c. For requests for interpretation or appeals of administrative decisions, to the person requesting an interpretation of the zoning ordinance or to a person appealing an administrative decision.
- d. In the case of a zoning ordinance amendment, or rezoning, each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.

2. Notice by mail/affidavit

Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

D. Timing of Notice

Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows.

- 1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation; not less than fifteen (15) days before the date that the application will be considered for approval.
- 2. For any other public hearing required by this Ordinance: not less than fifteen (15) days before the date that the application will be considered for approval.
- 3. A notice will not be published unless/until the information required is complete and the appropriate fee is paid.

12.11 RECORDING SECRETARY

The Township Board may employ a Recording Secretary for the Planning Commission and Zoning Board of Appeals for the purposes of preparing a public record of minutes, resolutions, transactions, findings and determinations. The Recording Secretary may perform other duties related to conduct of the Planning Commission or Board of Appeals business as may be required from time to time by the officers of the Planning Commission or Board of Appeals, provided the Secretary of the respective Commission and Board is solely responsible for the accuracy of such duties and all documents prepared by the recording secretary shall be signed by the official secretary of the Planning Commission or official secretary of the Board of Appeals.

12.12 VIOLATIONS AND PENALTIES

A. Nuisance per se

Any land, dwellings, buildings or structures, (including tents and trailer coaches), used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance, are hereby declared to be a nuisance per se.

B. Inspection

The Zoning Administrator, or designee, shall have the duty to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan.

C. Penalties

1. Any person, partnership, corporation, or association who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than five hundred dollars (\$500). Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.
2. The Zoning Administrator, or designee, is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
3. In addition to enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

ARTICLE 13: AMENDMENTS & SEVERABILITY

13.1 AMENDMENTS TO THIS ORDINANCE

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 110 of the Public Act of 2006, as amended.
- B. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Planning Commission.
- C. Proposals for amendments, supplements or changes may be initiated by the Township Board on their own motion, by the Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
- D. The procedure to be followed for initiating and processing an amendment shall be as follows:
 - 1. Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator, or designee, on a standard form provided and shall be accompanied by the fee as prescribed by Section 12.4 of this Ordinance.
 - 2. The Zoning Administrator, or designee, shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.
 - 3. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
 - 4. Before ruling on any proposal the Planning Commission shall conduct a public hearing as required pursuant to Act 110 of 2006, as amended and as outlined in Section 12.9.
 - 5. Following the public hearing the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission, if applicable. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
 - 6. The Planning Commission shall submit a final report/recommendation and proposed text to the Township Board along with a summary of the comments received at the public hearing.
 - 7. The Township Board may hold additional public hearings, if they decide it is necessary and following the requirements of Section 12.9. The Township Board may adopt, amend, or reject any proposed amendment or refer it back to the Planning Commission for further review as prescribed by Act 110 of 2006, as amended.

8. Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption.
9. No application for rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Planning Commission to be valid. A rezoning request may be submitted if the Township Attorney certifies that a mistake has been made in the prior procedures.

13.2 CONDITIONAL REZONING

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL125.3101) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

A. Application and Offer of Conditions:

1. An owner of land may voluntarily offer in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered into voluntarily by the owner. An owner may withdraw all or part of the offer of conditions at any time prior to the final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with the appropriate notice and a new recommendation.
- B. **Planning Commission Review:** The Planning Commission, after public hearing and consideration may recommend approval, approval with recommended changes or denial of the rezoning; provided however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the Owner.
- C. **Township Board Review:** After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 405 of the MZEA, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.
- D. **Approval:**
1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
 2. **The Statement of Conditions shall:**
 - a. Be in a form recordable with the Register of Deeds of Benzie County.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner and that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are

incorporated by reference, the reference shall specify where the documents may be examined.

- e. Contain a statement acknowledging that the Statement of Conditions shall be recorded by the Township with the Benzie County Register of Deeds.
 - f. Contain the notarized signature of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- 3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 - 4. The approved Statement of Conditions shall be filed by the Township with the Register of Deeds of Benzie County.
 - 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

E. Compliance with Conditions:

- 1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with the entire conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- 2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

F. Time Period for Establishing Development or Use: Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise be inconsistent with sound zoning policy.

G. Reversion of Zoning: If an approved development and/or use of the rezoned land do not occur within the time frame specified under Subsection F above, then the land shall revert to its former zoning classification as set forth in MCL125.3101. The reversion process shall be initiated by the

Township Board requesting that the Planning Commission proceed with consideration of the rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

- H. **Subsequent Rezoning of Land:** When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification, to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection G above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect.

Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of Benzie County a notice that the Statement of Conditions is no longer in effect.

I. **Amendment of Conditions:**

1. During the time period for commencement of an approved development or use specified pursuant to Subsection F above, or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

- J. **Township Right to Rezone:** Nothing in the Statement of Conditions, nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (MCL 125.3101 et seq.)
- K. **Failure to Offer Conditions:** The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

ARTICLE 14: DEFINITIONS

14.1 RULES OF CONSTRUCTION

- A. In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply to certain words or terms, except when clearly indicated otherwise.
- B. Words in the masculine gender include the feminine and neuter.
- C. Words used in the present tense shall include future; and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- D. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- E. The word “building” or “structure” includes any part thereof.
- F. The word “person” includes a firm, partnership, association, trust, company or corporation, as well as an individual.
- G. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- H. Any word or term not defined herein shall be used with a meaning of common or standard utilization.
- I. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions or events, the terms “and”, “or”, and “either/or”, such conjunction shall be interpreted as follows:
 - 1. “and” denotes that all the connected items, conditions, provisions or events apply in combination.
 - 2. “or” and “either/or” indicates that the connected items, connotations, provisions or events may apply singly or in any combination.
- J. “Township” shall refer specifically to Lake Township.
- K. Words Requiring Special Interpretation: Any words requiring special interpretation and not listed above shall be used as defined in a standard dictionary.
- L. Words Not Defined Any words requiring special interpretation and not listed above shall be used as defined in a standard dictionary.

14.2 DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

14.2.1 "A" Terms

Abandoned Sign: See Sign, Abandoned.

Accessory Structure: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building, and deemed compatible with the occupied district, but not for dwelling, lodging or sleeping purposes.

Accessory Use: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

Access: See Easement.

Access Lot: See Lot, Access

Actual Construction: The commencement of new construction and the purchase of building materials of a substantial character toward erecting the subject project. The making of preparatory plans, landscaping, removal of an existing structure, approvals of a site plan or a building permit is not actual construction.

Adult Day Care Facility:

Adult day care center. A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

Adult group day care home. A private residence in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty- four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Adult family day care home. A private residence in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers

for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Adult Foster Care Facility:

Adult foster care home, small group. An adult foster care facility providing residency with the approved capacity to receive at least three (3) but not more than twelve (12) adults to be provided with foster care.

Adult foster care home, large group. An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

Adult foster care home, family. A private residence with the approved capacity to receive at least 3 but not more than 6 adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Adult foster care congregate facility. An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

Adult foster care camp or adult camp means an adult foster care facility with the approved capacity to receive more than 4 adults to be provided foster care. An adult foster care camp is a facility located in a natural or rural environment.

Agricultural Assembly Space: An agricultural tourism use designed to provide an assembly space for small-scale entertainment, weddings, birthday parties, corporate picnics, and other similar events on property that is actively engaged in agricultural processes.

Agricultural Employee Housing: A residential use accessory to an established agricultural operation intended to provide temporary housing for employees of the agricultural operation and their families.

Agricultural Processing Facility: One or more facilities or operations that transform, package, sort, or grade livestock or livestock products, agricultural commodities, or plants or plant products, excluding forest products, into goods that are used for intermediate or final consumption including goods for nonfood use and surrounding property.

Agricultural Tourism: A use that involves the visiting of an agribusiness, horticultural, or agricultural operation, including but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation. Also referred to as "ag-tourism" or "agri-tourism".

Agricultural Uses: Any use required to accommodate the creation of farm products as defined in this zoning ordinance.

Agriculture: Substantially undeveloped land devoted to the activity of raising and harvesting plants and animal husbandry useful to humans, for economic gain, but does not include the commercial

harvest or taking of fish, game animals or fowl for a fee from within a confined area by means of a firearm, hook or net.

Alterations: Any modification, additions, or change in construction or type of occupancy, any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another in accordance with all approved field changes.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

Apartment: A room or suite of rooms in which each suite is arranged, intended, and designed to be occupied as a residence of a single family or individual, and which has only one complete kitchen and at least one complete bathroom.

Apartment Building: An apartment building has a combination of separate dwelling units arranged horizontally next to each other and/or stacked vertically upon each other and may include triplexes, quadplexes, rowhouses, and stacked flats. Apartment buildings are intended to provide three (3) or more dwelling units per lot with each being occupied by a separate family unit.

Architectural Features: The components of construction, either permanent or temporary, that are an integrated part of a structure or attached to a structure and constitute a portion of the exterior design, including, but not limited to: arches, transoms, windows, moldings, columns, capitals, dentils, lintels, parapets, pilasters, sills, cornices, cupolas, awnings, and canopies.

As-Built Plans: Revised plans which are based on actual measurement of a completed building or development.

Assembly Facility: A meeting place at which the public or membership groups are assembled regularly or occasionally, indoors or outdoors as a principal or accessory use, including but not limited to schools, religious institutions, theaters, auditoriums, funeral homes, stadiums, lecture halls, lodge rooms, conference rooms, convention centers, dining halls, and similar places of assembly.

Assisted Living Facility: A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

Attic: The area located between the ceiling of the highest habitable floor and the roof of the structure.

Automobile Repair Shop: **Combine with Marine Shop?** A principal use involving major automotive repair, including the replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. Above stated is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

Automobile Wash: A building or portion thereof, where motor vehicles are washed as a commercial enterprise, or where facilities are available for the self-service cleaning of motor vehicles.

Automobile: Every vehicle that is self-propelled.

Automobile and Marine Repair: Placeholder for definition.

Automobile and Marine Sales: Placeholder for definition.

Automotive Service Station: A principal use which involves facilities to provide maintenance and minor repairs or replacement parts to automotive equipment, such as tires, mufflers, tune ups, electrical repairs, etc., but NOT including pumping of gasoline or diesel fuels or major repairs to engines or drive trains.

Automobile Sales and Rentals: Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales.

14.2.2 "B" Terms

Basement: A story having more than five (5) feet of its height below finished grade at any point.

Bed and Breakfast Establishment: Transient lodging accommodations located within a owner occupied single-family dwelling unit and having limited food service available for guests only.

Bedroom: A room designed or used in whole or part for sleeping purposes and has a closet and window.

Berm: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

Boarding House: A lodging or rooming house building other than a hotel or a bed and breakfast facility where, for compensation and by prearrangement for definite periods, lodging, meals, or both are offered to three (3) or more persons at a time.

Board of Appeals: Lake Township Zoning Board of Appeals (ZBA).

Boat: See Watercraft.

Boat Dock: A platform or walkway, either permanent or temporary, extending outward from shore, used as a means to access boat dockages.

Boat Dockage: Any means to secure a boat in or above the water, whether it is a dock, mooring, shore station, slip, hoist, tether or any other means, regardless of the distance from the water's edge.

Boathouse: A structure located at the water's edge and designed for the storage of boats and other watercraft and boat, watercraft and beach related equipment.

Buffer Strip: A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

Building: Any structure either temporary or permanent having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

Building Area: The total of area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, patios and steps.

Building Envelope: The space remaining after the minimum setbacks, opens space requirements and other sensitive areas requirements of this Ordinance have been met.

Building, Height Of (Feet): The vertical distance measured from the mean point of the finished grade at the foundation to the highest point of the roof for flat roofs, excluding parapet walls; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs; or seventy five (75%) percent of the height of an A-frame. The average ground level grade at the building wall when a building is located on sloping terrain.

Building Height, Stories: The vertical distance measured as the number of individual floors in a building that can be occupied. Stories does not include basements or attics as defined in this Ordinance, permitted rooftop patios, or architectural features such as cupulas, steeple, etc.

Building Line or Setback Line: A line parallel to a street right-of-way line, shore of a lake, or stream bank, side or rear lot line established for the purpose of prohibiting the erection of a structure between such line and road right-of way, side or rear lot line.

Business Center: A building or group of buildings on one or more parcels of land constructed as an integral land use for commercial, institutional and similar occupancy.

Business Services: An establishment providing services to business establishments on a fee or contract basis, including but not limited to advertising services, business equipment and furniture sales or rental, or protective services. This term includes but is not limited to an employment agency, photocopy center, commercial photography studio, or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, urban planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research, and real estate.

14.2.3 "C" Terms

Campground: Any parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the

establishment of temporary living quarters for five (5) or more recreational units, and as otherwise defined within Michigan Public Act 368 of 1978 as amended.

Canoe Livery: A facility where canoes, kayaks, tubes and other floating devices are stored, rented, sold, repaired, docked and/or serviced for compensation.

Caption: The name by which the plat is legally and commonly known.

Catering Services: An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

Cellar: See Basement.

Cemetery: Land used for the burial of the dead, including a columbarium, crematorium, and/or mausoleum.

Central Cleaning Facility: A facility where textile materials, including but not limited to clothing and rugs, are dropped off directly by the customer or gathered at satellite locations for cleaning and future delivery or pick up.

Change Of Occupancy: The term “change of occupancy” shall mean a discontinuance of an existing use or tenant and the substitution of a use of a different kind or class, or the expansion of a use.

Child Care Organization: A facility for the care of children, as licensed and regulated by the state under Public Act No. 116 of 1973 (MCL 722.111 et seq.) and the associated rules promulgated by the Michigan Department of Consumer and Industry Service. Such organizations shall be further defined as follows:

- A. **Child Care Center:** A facility, other than a private residence, receiving more than six preschool age or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- B. **Foster Family Home:** A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- C. **Foster Family Group Home:** A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or

adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

- D. **Family Child Care Home:** A private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- E. **Group Child Care Home:** A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

Club: A group of persons organized for the purposes of participating in and/or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in this Ordinance.

Colocate: To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. Co-locate does not include make-ready work or the installation of a new utility pole or new wireless support structure.

Commercial Use: The use of property for retail sales or similar businesses where goods or services are provided directly to the consumer. As used in these regulations, "commercial use" shall not include industrial, manufacturing, or wholesale businesses.

Commercial Zoning Districts: A zoning district primarily established for commercial land uses. Commercial zoning districts shall include those zoned Commercial, General and Commercial Resort.

Common Land: A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

Commercial Development: A facility providing building area, parking area, service area, screen plantings and traffic areas designed for the conduct of commerce.

Comprehensive Development Plan (Or Master Plan): A plan adopted by the Lake Township Planning Commission for the physical development of the Township, showing the general location for major streets, parks, schools, public building sites, land use and other similar information. The Plan may consist of maps, data and other descriptive matter.

Confined Feedlot: The place of confined keeping of livestock or other animals in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which abnormal amounts of manure or other related animal wastes may originate by reason of keeping such animals.

Conditional Rezoning: A zoning process authorized by Act 110 of 2006, as amended, whereby the owners of land may voluntarily offer conditions as part of a rezoning of land, and the Township may or may not accept such an offer.

Condominium: A condominium is a system of separate ownership of individual units in multiunit projects according to PA 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee interest and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

- A. **Condominium Act:** Shall mean Michigan PA 59 of 1978, as amended.
- B. **Condominium Lot:** That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Dimensional Standards for each district of this Ordinance.
- C. **Condominium Subdivision Plan:** Drawings and information that show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Condominium, as amended.
- D. **Condominium Unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- E. **Common Elements:** Portions of the condominium project other than the condominium units.
- F. **Contractible Condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- G. **Conversion Condominium:** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- H. **Convertible Area:** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- I. **Expandable Condominium:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- J. **General Common Elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.

- K. **Limited Common Elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- L. **Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- M. **Site Condominium Project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

Contractors and Building Material Dealers: Establishments primarily engaged in retailing new building material and garden equipment and supplies from a fixed point-of-sale location. May include display equipment designed to handle lumber and related products and garden equipment and supplies kept either indoors or outdoors under covered areas. The staff is usually knowledgeable in the use of the specific products being retailed in the construction, repair, maintenance of the home and associated grounds.

Contractors Yard: A site on which is stored equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction trades. A contractor's yard may include outdoor or indoor storage, or a combination of both.

Cottage Industry: An occupation or trade conducted within a detached residential accessory structure, which is clearly incidental and secondary to the use of the lot, and dwelling for residential purposes.

County Drain Commissioner: The Benzie County Drain Commissioner, or the County appointee.

County Health Department: The Public Health Department serving the County of Benzie.

County Plat Board: The Benzie County Plat Board.

County Road Commission: The Benzie County Road Commission.

Crosswalkway (Pedestrian Walkway): Right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

Cultural Institution: Placeholder for definition.

Curb Cut: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

Customary Agricultural Operation: Agricultural operations that include general farming, truck gardening, fruit orchards, nursery greenhouses not selling at retail on the premises, and the usual farm buildings.

14.2.4 "D" Terms

Dealers, Boat and Auto: A commercial facility offering boats and/or autos, both new and used together with related accessories.

Decibels: A decibel is a unit of measurement of the intensity of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

Deck: An unroofed structure used for outdoor living purposes which may or may not be attached to a building and protrudes twelve (12) or more inches above finished grade.

Dedication: The intentional appropriation of land by the owner to public use.

Density: The number of dwelling units residing upon, or to be developed upon, a measurement of land.

A. Gross Density: The number of units per acre of total land being developed.

B. Net Density: The number of units per acre of land devoted to residential use.

Detention Basin: A man-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or man-made outlets. Also referred to as a retention basin.

Development: The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height limitations.

Dock: See Boat Dock, Boat Dockage.

Drive, Private: A permanent way or easement that is not maintained by public authorities and that provides the principle means of access to not less than two (2) but not more than five (5) existing or proposed lots or site condominium units, that is validated by an easement that is recorded with the Benzie County Register of Deeds that contains provisions for access and maintenance responsibilities for all lots or site condominium units that they provide access to.

Drive, Private Street, Highway, or Road: A permanent way or easement that is not maintained by public authorities and that provides the principle means of access to ten (10) or more existing or proposed lots or site condominium units.

Drive-Through/Drive Up Business: Any business with an automobile service window such as a bank, restaurant or similar business.

Driveway: A passageway of definite width designed primarily for use by motor vehicles over private property, leading from a street or other public way to a garage or parking area. A horseshoe shape drive or a "T" shaped drive located within a front yard is included within this definition.

Driveway, Private: A portion of a lot or site condominium unit or a permanent private easement used for vehicle ingress and egress to not more than two (2) lots or site condominium units.

Dwelling, Dwelling Unit: Any building or structure or part thereof either site built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

Dwelling, Multiple: A building other than a single or a two family dwelling, including apartment houses, co-operatives and condominiums.

Dwelling, Single Family:

- A. No more than one (1) single family dwelling per lot.
- B. A detached building designed for or occupied exclusively by one family, and complying with the following standards:
 - 1. It complies with the minimum square footage requirements of this Ordinance.
 - 2. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single family dwellings.
 - 3. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the County Health Department.
 - 4. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 20% of the square footage of the dwelling or 100 square feet, whichever shall be less.
 - 5. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
 - 6. The dwelling complies with all pertinent building and fire codes. All construction and all plumbing, electrical apparatus and insulation within and connected to said dwelling shall be of a type and quality conforming among other requirements, to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of

Housing and Urban Development, 24CFR 3280, adopted June 15, 1976, and as from time to time such standards may be amended.

7. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.
8. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.

Dwelling, Two Family: A building designed for or occupied exclusively by two families living independently of each other. See also Duplex.

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended; 42 U.S.C. 5401 to 5426; 24 CFR Parts 3280 and 3282, and
- B. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

Dwelling, Mobile: A factory-built, single-family structure that is constructed off-site after June 15, 1976, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended; 42 U.S.C 5401 to 5426; 24 CFR, Parts 3280 and 3282, and is manufactured in accordance with the Federal Manufactured Construction and Safety Standards and is so labeled with a Department of Housing and Urban Development (HUD) Certification Label and Data Plate.

Dwelling, Model Home: A single family home or condominium unit completed and landscaped as if it were to be occupied and used for the purpose of selling homes or condominium units within a subdivision, development or site condominium and open only during regular real estate business hours and the duration does not exceed one (1) year. No cooking or sleeping shall be permitted in the Model Home.

Duplex: See Dwelling, Two Family.

14.2.5 "E" Terms

Easement: A vehicular access or right-of-way to an abutting lot or lots or parcel(s) of land constructed and maintained to a standard which will provide access for safety services operating within the Township. For purposes of this Ordinance an access easement to a single lot shall be a minimum of twenty (20) feet and, two (2) to four (4) lots a minimum of thirty-three (33) feet, and five (5) or more lots a minimum of sixty-six (66) feet.

Eating Establishments: Placeholder for definition. *Note- there is a definition for restaurant.*

Educational Institutions: Use of land or a building or buildings as or for an institution not for profit but for the establishment and maintenance of a public or private college, secondary or elementary school or other educational institution for the academic instruction not including organizations that specialize in physical training or development of physical or manipulative skills, or for-profit schools.

Effective Date of This Ordinance: Whenever this Ordinance refers to the effective date of this Ordinance, the reference shall be deemed to also include the effective date of any amendments to this Ordinance if the amendment, rather than this Ordinance as originally adopted, creates a non-conforming situation.

EGLE: The State of Michigan Department of Environment, Great Lakes, and Energy, or any State of Michigan Department or Agency subsequently formed that fulfills the purpose of this Department.

Engineer, Township: The person or firm authorized by the Township to advise the Supervisor, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or an employee of the Township.

Enforcement Official: The Enforcement Official is the person or persons with the responsibility for enforcing and administering requirements of applicable Sections of this Ordinance. The Enforcement Official's responsibilities may be delegated to the Zoning Administrator or other appropriate party so designated by the Township Board. Such titles do not refer to a specific individual, but generally to the office, department, or Township official(s) most commonly associated with the administration of the regulation being referenced.

Equipment Rental Establishments: An establishment providing the rental of tools, lawn and garden equipment, construction equipment, party supplies and similar goods and equipment, including storage and incidental maintenance.

Erected: The building, construction, alteration, reconstruction, moving upon, or any physical activity upon a premises or lot.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, telephone transmission or distribution system including poles, wires, main drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar

equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities, departments or commissions.

Existing Building: A building existing or for which the foundations are in place prior to the effective date of this Ordinance or any amendment thereto.

Existing Use: A use of premises or structure actually in operation, openly, visibly and notoriously prior to the effective date of this Ordinance or any amendment thereto.

Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

Extractive Industry: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

14.2.6 "F" Terms

FAA: Means the Federal Aviation Administration.

Façade: That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

Family:

- A. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, or organization or group of students whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees.

Farm Market: A market operated as a part of a farming business, selling farm products produced on and off the proprietor's farm, as well as a limited number of household convenience goods.

Farm Products: Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and

dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture, or as defined with revisions under the Michigan Right to Farm Act (PA 93 of 1981).

FCC: Means the Federal Communications Commission.

Fill: The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

Financial Services: Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business.

Floor Area, Gross: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the total square footage.

Floor Area, Ground: The lot area covered by a building or buildings measured from the exterior faces of exterior walls but excluding decks and terraces and detached accessory buildings.

Floor Area, Usable: The gross horizontal floor areas of all the floors of a building or structure and of all accessory buildings that have the potential to become usable for human habitation measured from the interior face of the exterior walls. Such floor area that is used or intended to be used principally for dedicated storage, mechanical equipment rooms, unfinished attics, enclosed porches, light and ventilation shafts, public corridors, public stairwells, utility rooms or restrooms shall be excluded from the computation of usable floor area.

Flood Plain: The area of land adjoining the channel of a river, stream, water course, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

Footprint: The ground area a structure covers.

Forestry Uses: Activities related to the harvesting, reforestation, and other management activities, including, but not limited to, thinning, pest control, fertilization, and wildlife management, that are consistent with principles of sustainable forestry, or as defined with revisions under the Michigan Right to Forest Act (PA 676 of 2002).

Foster Child: A child unrelated to a family by blood or adoption with which he or she lives for the purposes of care and/or education.

Frontage: The portion of any property that abuts a private or public street or a waterway. A corner lot and a through lot have frontage on both abutting private or public streets or a waterway and a street.

Funeral Home: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. May also be referred to as a mortuary.

14.2.7 "G" Terms

Garage, Private: An accessory building or an accessory portion of a principal building designed or used solely for non-commercial storage.

Gasoline Service Station: Any area of land, including any structures thereon, used or designed for the supply of gasoline, oil, or other fuel for the propulsion of vehicles. For the purpose of this Ordinance, this term shall also mean any area or structure used or designed for polishing, greasing, washing, cleaning, or servicing such motor vehicles.

Golf Course: A facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including rest rooms and locker rooms, maintenance structures, driving range, practice facilities, instruction, and training center. A golf facility may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales that may include a restaurant and cocktail lounge if approved as a part of the required special use permit.

Governing Body (or Township Board): The Township Board of the Township of Lake.

Grade, Finished: The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs related thereto.

Greenbelts or Buffer Parks: A strip or parcel of land, or easement privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the residential environment.

Gun and Skeet Clubs, Rifle Range: Any facility, whether operated for profit or not, and whether public or private, which is designed for the use of firearms which are aimed at targets, skeet or traps, or clay pigeons.

Grade: The ground elevation established for regulating the number of stories and the height of a buildings or structures. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

Greenhouse: A structure or enclosure constructed chiefly of glass, plastic or other translucent materials for the cultivation or protection of tender plants.

Gun and Skeet Club, Rifle Range: Placeholder for definition.

14.2.8 "H" Terms

Habitable Space: Space in a structure for living, sleeping, eating or cooking. Bathrooms: Toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Hazardous Materials: Those chemicals or substances which are physical or health hazards as separately defined in the Code of Federal Regulations Title 29 and other nationally recognized standards.

Health Care Services: Placeholder for definition.

Health Department: See County Health Department.

Height of Building: See Building Height.

Highway: Any public thoroughfare in Lake Township including Federal, State and County highways. (See Road)

Home Based Business: An activity established for economic gain conducted on a residential premises and/or an accessory building which serves as a base of operation from which to conduct the activity off-site.

Home Occupation: An accessory use of professional, service, or business character conducted within a dwelling by the family residents thereof, which is clearly secondary and incidental to the use of the dwelling for living purposes and does not change the character thereof.

Hospital: An institution that is licensed by the State of Michigan to provide in-patient and outpatient medical and surgical services for the sick and injured, and that may include such related facilities as laboratories, medical testing services, training facilities, central service facilities, and staff offices, staff dormitories, or other staff living accommodations, cafeterias and gift shops.

Hotel: A building, other than a bed and breakfast facility and a boarding, lodging or rooming house, occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals and in which building there are five (5) or more sleeping rooms and in which rooms there is no provision for cooking.

14.2.9 "I" Terms

Impervious Coverage: The part or percentage of the lot that is occupied by all buildings and/ or structures, and impervious surfaces. The percentage is determined by dividing the sum of the ground floor area of all buildings and structures on a lot and impervious surfaces by the net lot area.

Impervious Surface: A surface that has been compacted or covered with a layer of material that is highly resistant to infiltration by water.

Improvements: Any structure incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate ties, with appurtenant construction.

Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project that is the subject of zoning approval.

Ingress And Egress: As used in this Ordinance, “ingress and egress” generally is used in reference to a driveway that allows vehicles to enter or leave a parcel of property, or to a sidewalk that allows pedestrians to enter or leave a parcel of property, a building, or another location.

Institutional Uses: Churches or similar places of worship and related uses, educational uses and public buildings.

14.2.10 “J” Terms

Junk: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition that prevents their use for the purpose for which the product was manufactured.

Junkyard: Any land or building where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, parked, disassembled or handled; including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A “junk yard” includes automobile wrecking yards and includes any area of more than fifty (50) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

14.2.11 “K” Terms

Kennel: Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping of five (5) or more dogs, cats or other household pets over the age of six (6) months.

14.2.12 “L” Terms

Land Use Permit: A Zoning Compliance Permit required for any change in the use of land or structure in accordance with the provisions of this Ordinance.

Library: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale, and may include community gathering space.

Light Pollution: Any adverse effect of manmade light including, but not limited to light trespass, up-lighting, the uncomfortable distraction to the eye or any manmade light that diminishes the ability to view the night sky.

Light Trespass: Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

Lighting Plan: A plan used for an approval process indicating all site improvements and the number, locations, type and design of all luminaries and the manufactures data on the luminaries.

Line, Street: The dividing line between a street right-of-way and a lot.

Livestock: Traditional farm animals such as rabbits, poultry, goats, sheep, cattle, horses and hogs.

Loading Space: A space that is safely and conveniently located on the same lot as the building being served, or group of buildings, for the temporary parking of delivery vehicles while loading and unloading merchandise or materials.

Lot or Building Site: A parcel of land, under common ownership or control, occupied or intended to be occupied, by a principal building together with any accessory structures, and providing open space, parking and loading spaces required by this Ordinance. Said parcel of land may consist of one or more lots of record or recorded metes and bounds parcels; shall not include any part of a public road or right-of-way, and shall have frontage on, or approved access to, a public road or street, or shall have frontage on, or approved access on, a private road that is approved according to the standards for private roads under Article 2, section 2.## of this ordinance, or shall have frontage on a private drive that is approved according to the standards for private drives under Article 2, section 2.## of this ordinance. A site condominium building site shall be considered the equivalent of a "lot" for purposes of determining compliance with the applicable requirements of this Zoning Ordinance. A lot may consist of any of the following:

- A. Single lot of record.
- B. Portion of a lot of record
- C. Combination of lots of record, or portion(s) thereof.
- D. Condominium lot.
- E. Parcel or tract of land described by metes and bounds.

Lot, Access: A lot within a Zoning District allowing residential development to have rear or side yard frontage on a lake or river and which does not meet the dimensional lot requirements of the Zoning District in which it is located and is not of sufficient lot area to accommodate the minimum dimensional requirements for a dwelling.

Lot, Contiguous: Lots adjoining or abutting each other. Lots separated by a right-of-way, road easement or natural or man-made barrier shall not be considered contiguous.

Lot, Corner: A lot which has at least two (2) contiguous sides abutting a street for their full length.

Lot, Depth Of: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Front Of: That lot line which is the street line of the principal street or right-of-way providing access to a lot.

Lot, Interior: A lot other than a corner lot or a through lot.

Lot Area, Gross: The net lot area plus one-half (1/2) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

Lot Area, Net: The total horizontal area within the lot lines of the lot, exclusive of any abutting public street right-of-way or private road easements, or the area of any lake or river. The net lot area shall be used in determining compliance with minimum lot area standards.

Lot Coverage: General definition needed. The part or percentage of the lot that is occupied by all buildings and/or structures. The percentage is determined by dividing the ground floor area of all buildings and structures on a lot by the net lot area.

Lot Line: See "Property Line".

Lot Line, Front: In the case of an interior lot, is that line separating said lot from the public or private right of way. In the case of a corner, or double frontage lot, is that line separating said lot from the road that is designated as the front on the plat, or that is designated as the front of the site plan review application or request for a zoning permit, subject to approval by the Planning Commission or Zoning Administrator. On a flag lot, the front lot line shall be the interior lot line parallel to and nearest the street from which access is obtained.

Lot Line, Rear: That lot line opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped or a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot. In cases in which the rear lot line definition cannot be easily applied, the Zoning Administrator shall designate the rear lot line. A corner lot shall not have a rear line.

Lot Line, Side: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots in an interior side lot line. In cases in which the side lot line definition cannot be easily applied, the Zoning Administrator shall designate the side lot line(s).

Lot of Record: A lot which is part of a subdivision, the map of which was recorded in the Office of the Register of Deeds in Benzie County on the effective date of this Ordinance or a lot described by metes and bounds, the deed or land contract, or land contract memoranda, which had been recorded in the Office of the Register of Deeds in Benzie County on the effective date of this Ordinance. For the purposes of this Ordinance, land contracts, surveys, and purchase options not recorded in the County Register of Deeds' office, but dated and executed prior to the effective date of this Ordinance shall also constitute a lot of record.

Lot, Through Or Lot, Double Frontage: Any interior lot having frontage on two more or less parallel streets or a waterway and street(s) as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street shall be designated as the front lot line for all lots in the plat

and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one (1) or more of the streets or waterway, the required minimum front yard setback shall be observed on the street or waterway where buildings presently front.

Lot Width: The straight-line distance between the side lot lines, measured at the two points where the front yard setback line intersects the side lot lines.

Lot Width/Depth Ratio: The ratio of a lot's width against its depth, which for newly created lots shall not exceed four (4) times the width in depth in accordance with the Michigan Land Division Act (PA 288 of 1967), as periodically amended.

Low Impact Development (LID) Stormwater Management: LID includes a variety of practices that mimic or preserve natural drainage processes to manage stormwater. LID practices typically retain rain water and encourage it to soak into the ground rather than allowing it to run off into ditches and storm drains where it would otherwise contribute to flooding and pollution problems. Examples include, but are not limited to rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures.

Luminaire: Complete lighting system consisting of a lamp or lamps together, with the parts, fixtures and wiring, designed to distribute light, to position and protect the lamps and to connect the lamps to the power supply.

14.2.13 "M" Terms

Main Access Drive: Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

Manufactured Home: See "Dwelling, Mobile Home."

Manufactured Home Development: See "Mobile Home Park".

Marina: A facility engaged in the sale, service and storage of all types of watercraft and small engine recreational vehicles and other related equipment and supplies, including, if with water frontage, docking and mooring facilities.

Mass Gathering: An organized outdoor event of three hundred (300) people or more, held at a single location on either public or private land within the Township; provided however, a mass gathering shall not include an outdoor event of any size that is sponsored by a public school recognized as such by the State of Michigan, or sponsored by local government.

Master Plan: The future land use plan created by Lake Township pursuant to Act 33 of 2008, as amended, being the Michigan Planning Enabling Act.

MDNR: The Michigan Department of Natural Resources

MDOT: The Michigan Department of Transportation.

Mechanical Amusement Arcades: Any place or premises occupied by or under the control of the operator of mechanical amusement devices, room or establishment in which a substantial and significant portion of the business is devoted to the operation of mechanical amusement devices, or in which more than five (5) mechanical amusement devices are located and available for operation. For purposes of this Ordinance, a mechanical amusement arcade shall not include mechanical amusement devices located in restaurants or bars, motels or hotels and private clubs, where the devices are only available primarily to guests or patrons, nor to vending machines which dispense food, drink, tobacco or other similar items.

Mechanical Amusement Device: Any machine which, upon the insertion of a coin slug, token, plate or disk or upon payment of a price, may be operated by the public generally for use as a game, entertainment or amusement, including but not limited to games registering a score, electronic video games, mechanical and/or electronic devices such as marble machines, pinball machines, mechanical grab machines, shuffle board game machines, pool tables, billiard tables and all game operations or transactions similar thereto, whether operated by hand, electric power, or combination thereof. For purposes of this Ordinance, a mechanical amusement device shall not include the following: Jukebox or other similar device which plays only music for money; full-size bowling lane or alley; or a movie theater seating more than ten (10) persons.

Metes and Bounds Land Division: The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109 of the State of Michigan Land Division Act (PA 288 of 1967), as amended. Metes and bounds land division does not involve dividing land as a platted subdivision, site condominium, or condominium. Metes and Bounds Land Division does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.

Mezzanine: An intermediate floor or levels between the floor and the ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of such story in which the level or levels are located.

Mineral Extraction: Placeholder for definition. *Note – there is a placeholder for “Extractive Industries”.*

Mini-Storage Facility: A building, group of buildings or portions of buildings divided and offered to the public for a fee for the storage of goods. Persons have joint access to the facility and individual access to a specific storage unit.

Mobile Home: See Dwelling.

Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which if offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incidental to the occupancy of a mobile home, or as otherwise defined in Michigan Public act 96 of the Public Acts of 1987, as amended.

Mobile Home Subdivision: A mobile home development in which lots are privately owned.

Modular Home: A factory-built home constructed off-site after 1971 and transportable in one or more Sections. A modular home is designed and constructed to the State's building code standards for stick-built homes and is so labeled with a Factory Built Unit Certification tag. Modular homes may be towed on-site with or without a chassis that is not structurally a part of the dwelling, and which may or may not remain after installation on a permanent perimeter foundation constructed of block or poured concrete. Individual components, or modules, of a modular home may be placed end-to-end, side-by-side, or stacked. For the purpose of this Ordinance, modular homes shall be allowed in any residential zoning district, subject to all other applicable standards. Also known as a factory built home.

Motel: A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

Municipal Civil Infraction Citation: A written complaint or notice prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

MZEA: The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended [MCL 125.3103 et seq.]

Model Home: A completed home in a residential development with landscaping used for the purpose of selling homes within the immediate development.

Municipality: Lake Township, Benzie County, Michigan.

14.2.14 "N" Terms

Natural Features: Natural features shall include soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

Non-conforming Dimension: A non-conforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Non-conforming Lot: A lot lawfully existing at the effective date of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum area requirement of the district in which the lot is located.

Non-conforming Sign: A sign lawfully existing on the effective date of this Ordinance which does not conform to one (1) or more of the regulations set forth in the Ordinance.

Non-conforming Situation: A situation that occurs when, as of the effective date of this Ordinance, a lawfully created existing lot or structure or use of a lawfully-created existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance or because land or buildings are used for purposes made unlawful by this Ordinance. Non-conforming signs shall not be regarded as non-conforming situations for purposes of this Ordinance.

Non-conforming Use: A building, structure or use of land lawfully existing at the time of enactment of this ordinance and which does not conform to the regulations of the district or zone in which it is situated.

Nonresidential Zoning District: A zoning district primarily established for land uses other than dwellings. Nonresidential zoning districts shall include those zoned Commercial, General; Commercial/Resort; and Government.

Normal High Water Mark: See Water Mark.

Nuisance: Any offensive, annoying, or disturbing practice or object, that prevents the free use of one's property, or that renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

Nursing Home: A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with PA 139 of 1956, as amended.

14.2.15 "O" Terms

Offices: Structures housing offices of private firms and organizations and government agencies which are primarily used for the execution of professional, executive, management or administrative services.

Open Space: Any unoccupied space open to the sky on the same lot with a building.

Open Space Preservation: A land development technique outlined in Act 110 of 2006, as amended, that allows a landowner to develop the same number of dwelling units on fifty (50%) percent or less of the land area of a parcel as would be allowed on the entire parcel under conventional development regulation.

Outside Sales & Display: The outdoor standing or placement of immediately usable goods that are available for sale, lease, or rental and that are displayed in such manner as to be readily accessible for inspection and removal by the potential customer.

Outdoor Storage: The keeping of any goods, material, merchandise or vehicles in an open and unsheltered area for more than twenty-four (24) hours.

Outdoor Wood Burning Furnace: Also known as an outdoor wood-fired boiler, outdoor wood-burning appliance, or hydronic heater, means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a building intended for habitation by humans or domestic animals, and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

Outlot: An area included within the boundary of a recorded plat.

14.2.16 "P" Terms

Parcel or Tract: A continuous area or acreage of land which can be described as provided for in the Land Division Act, PA 288 of 1967, as amended.

Parking Lot, Off-Street: An area within a lot or parcel that provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

Parking Space: An area of definite length and width. Said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

Patio: An open space area used for outdoor living purposes constructed of any materials which provide a hard, durable surface and which protrudes less than twelve (12) inches above the finished grade of the property.

Performance Guarantee: A financial guarantee to ensure that specific improvements, facilities, construction, or activities required or authorized by this Ordinance will be completed in compliance with the Ordinance, regulations, and/or approved plans and specifications of the development.

Permit, Zoning: See Land Use Permit.

Permitted Use: A permitted use is a use that may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district and this Ordinance.

Person: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Pervious Surface: A surface that permits full or partial absorption of storm water.

Pets: Dogs and cats and other animals traditionally kept within a residence.

Planning Commission: The planning commission established by the Township Board under the authority of, and subject to and exercising the powers, duties, and limitations provided in, the Michigan Planning Enabling Act, Public Act 33 of 2008 [MCL 125.3801 et seq.], as amended [MCL 125.321, et seq.] and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended [MCL 125.3103 et seq.]

Planned Residential Developments (PRD): See Open Space Preservation.

Planned Unit Development (PUD): Means a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan meeting the requirements of this Ordinance, establishing functional use areas, density patterns, a fixed network of streets (where necessary), provisions for public utilities, drainage and other essential services has been approved by the Township Board which has been, is being, or will be developed under the approved plan.

Plat: A map or charter of a subdivision of land.

Pre-Preliminary Plat: An informal plan or sketch, drawn to scale, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.

Preliminary Plat: A map showing the main features of a proposed subdivision of land for purposes of preliminary consideration.

Final Plat: A map of a subdivision of land made up in final form ready for approval and recording.

Planning Commission: The Planning Commission of Lake Township, Benzie County, Michigan as designated in the Michigan Planning Enabling Act, PA 33 or 2008.

Plot Plan: A plan that is prepared according to requirements stated in this Ordinance, containing information required for such a plan. A plot plan is less detailed than a formal site plan. A plot plan is generally used for discussion or conceptual purposes in advance of a formal site plan submission. A plot plan does not substitute for a formal site plan. See also "Sketch Plan".

Principal Building: A building in which is conducted the principal use of the lot upon which it is situated.

Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exists.

Privacy Screen: An artificially constructed barrier of wood, wire, metal or any other material or combination of materials, commonly used in fence construction. A privacy screen is intended to screen a selected use or area in a private residential yard.

Private Road: See "Road, Private".

Property Line: The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also Lot Line.

Proprietor, Subdivider or Developer: A natural person, firm, association, partnership, corporation, or combination of any of them, which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner.

Protected Root Zone: The area surrounding the trunk of a tree established with a radius of one and a half (1.5) feet for every one (1) inch caliper of trunk where to grading, cutting, storing or materials, or moving of machinery may occur.

Public Use: Basic services usually furnished by local government, but which also may be provided by private enterprise to support the development of the community. Public uses may be categorized as one of the following:

- A. **Critical:** Such as, but not limited to fire station, ambulance services, police station, etc., and associated facilities.
- B. **Essential:** The erection, construction, alteration, or maintenance by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam, communications, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety, or general welfare.
- C. **Supporting:** Public uses such as, but not limited to, Township hall, library, park, athletic fields, public recreational facility, open space, civic center, community center, official government offices, authority office, post office, special events authorized by the Township, etc., and associated facilities.

Public Utility: Any person, firm, corporation, municipal department or board fully authorized by the Public Service Commission to furnish to the public electricity, gas, steam, telephone, cable television, transportation, sewer services or water.

Public Open Space: Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.

14.2.17 "Q" Terms

Qualified Residential treatment Program: Subject to section 1 of 1973 PA 116, MCL 722.111, a qualified residential treatment program means a program within a child caring institution to which all of the following apply:

- A. The program has a trauma-informed treatment model, evidenced by the inclusion of trauma awareness, knowledge, and skills into the program's culture, practices, and policies.
- B. The program has registered or licensed nursing and other licensed clinical staff on-site or available 24 hours a day, 7 days a week, who provide care in the scope of their practice as provided in parts 170, 172, 181, 182, 182A, and 185 of the public health code, 1978 PA 368,

MCL 333.17001 to 333.17097, 333.17201 to 333.17242, 333.18101 to 333.18117, 333.18201 to 333.18237, 333.18251 to 333.18267, and 333.18501 to 333.18518.

- C. The program integrates families into treatment, including maintaining sibling connections.
- D. (iv) The program provides aftercare services for at least 6 months post discharge.
- E. The program is accredited by an independent not-for-profit organization as described in 42 USC 672(k)(4)(G).
- F. The program does not include a detention facility, forestry camp, training school, or other facility operated primarily for detaining minor children who are determined to be delinquent.

14.2.18 "R" Terms

Recreational Facility, Private Non-Commercial or Recreational Facility, Compatible Non-Commercial: A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or other artificial apparatus which are necessary to form the basis for said use.

Recreational Unit: A tent, or vehicular type structure, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreation unit shall include "travel trailers", "camping trailer", "motor home", "truck camper", "slide-in-camper", and "chassis-mount camper" as defined in Public Act 525, Michigan Public Acts of 1982.

Recreational Vehicle: Means a recreational unit, exclusive of tents and including a trailer used for the transport of motorized recreational equipment such as snowmobiles or watercraft or non-motorized recreational equipment such as a fish shanty; motorized watercraft and other motorized recreational equipment or a trailer along with motorized or non-motorized recreational equipment loaded for transport.

Recycling Facility or Operation: A facility and the operation to collect and process solid waste and defined in the Solid Waste Management Act.

Re-plat: The process of changing of the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

Religious Uses: Placeholder for definition.

Residential Use: A use intended to provide one or more dwellings and may include allowed accessory uses and structures.

Residential Zoning District: A zoning district primarily established for dwellings as a land use. Residential zoning districts shall include those zoned L/R, R-1, and R-2 zoning districts.

Resort: A recreational lodge, camp or facility operated for gain, and which provide overnight lodging and one (1) or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related similar uses normally associated with recreational resorts.

Restaurant: An establishment in which the principal use is the preparation and sale of food and beverages. The food and beverage may be consumed on-site, carried out, or offered for delivery. Restaurants may include the sale of prepared food and beverages to other establishments for resale or consumption.

Retail Sales Establishment: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Right-of-Way: A road, street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles which if used to establish a lot front, provides adequate permanent access.

Road: A public or private thoroughfare, easement or right-of-way for the ingress, egress and regress of motor vehicles, which affords the principal means of access to abutting property.

Road Types:

Arterial (Primary) Road: Designated state and federal highways and those roads of considerable continuity which are designated primary roads by the Benzie County Road Commission or may be used primarily for fast or heavy traffic.

Collector Road: A street whose principal function is to carry traffic between local streets and arterial streets but may also provide direct access to abutting properties.

Cul-de-sac: A minor road of short length having one end terminated by a vehicular turn-around.

Local Road: A road intended primarily for access to abutting properties and is designated a local road by the Benzie County Road Commission.

Marginal Access Road: A minor road which is parallel and adjacent to arterial roads and which provides access to abutting properties and protection from through traffic and not carrying through traffic.

Road Width: The shortest distance between the lines delineating the right-of-way of roads.
Road, Private: Any non-public road serving two (2) or more dwellings or principal uses. (See Easement)

Road, Private: Any road that is to be privately maintained and has not been accepted for maintenance by Benzie County, the State of Michigan, the federal government, or any other governmental unit, but that meets the requirements of this Ordinance or has been approved as a private road by the Township under any prior ordinance.

Road, Public: A road dedicated to the public, such dedication having been accepted by the appropriate public road commission or department of transportation, which meets the minimum construction standards of said Road Commission or Department of Transportation.

Roadside Stand: A structure for the display and sale of agricultural products, without space for customers within the structure itself.

Roof-Mounted Solar Installation: A private system installed as an accessory structure on the roof of a building that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

14.2.19 "S" Terms

Sand or Gravel Pits, Quarries: The removal of topsoil, sand and gravel processing, mining and quarrying of earth, clay and other mineral extraction.

Satellite Signal-Receiving Antennas: Also referred to as "satellite dish", "earth stations" or "ground stations" shall mean one (1), or a combination of two (2) or more of the following:

- A. A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.
- B. A low noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- C. "Dish" shall mean that part of a satellite signal receiving antenna characteristically shaped like a saucer or a dish.
- D. "Grounding rod" shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.
- E. "Receiver" shall mean a television set or radio receiver.

Seawall: A structure that is constructed to break the force of waves and retain soil for the purpose of shore protection.

Setback: The horizontal distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The minimum required setback is the minimum distance between a front, side or rear lot line or Setback Measurement Line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance (see definition of YARD).

Setback, Front:

Setback, Rear:

Setback, Side:

Setback, Water: The required distance from a structure to the ordinary high water mark of any water body, stream bank, or wetland.

Setback Lines: Line(s) established parallel to a lot line and along a highway right-of-way or water's edge for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained.

Sewage Treatment and Disposal: A sanitary sewage treatment process as approved by the State of Michigan statutes.

Sexually Oriented Business: A business or commercial enterprise engaging in any of the following, or other similar uses:

- A. **Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. **Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
 - 1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.
 - 3. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty five (25%) percent or more of the floor area or visible inventory within the establishment.
- C. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
 - 1. Persons who appear in a state of nudity;
 - 2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;

3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
 4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- D. **Adult Motel:** A hotel, motel, or similar commercial establishment that: Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
1. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 2. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. **Nude Model Studio:** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- H. **Nudity Or A State Of Nudity:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 2. Material as defined in Section 2 of Act No. 343 of the PAs of 1984, being Section 752.362 of the Michigan Compiled Laws.
 3. Sexually explicit visual material as defined in Section 3 of PA 33 of 1978, being Section 722.673 of the Michigan Compiled Laws.

- a. **Specified Anatomical Areas:** Means and includes any of the following:
 - 1. Less than completely and opaquely covered: Human genitals
 - a. Pubic region
 - b. Buttocks
 - c. Female breast below a point immediately above the top of the areola.
 - d. Human male genitals in a discernible turgid state even if completely or opaquely covered.
- b. **Specified Sexual Activities:** Means and includes any of the following:
 - 1. Human genitals in a state of sexual arousal.
 - 2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus.
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
 - 4. Excretory functions as part of or in connection with any of the activities set forth in 1) - 3) above.

Shielding: Devices or techniques that are used as part of a luminaire or lamp to limit glare, light trespass and light pollution.

Sign Face: That part of a sign structure which is used to graphically communicate a message or announcement.

Sign: Any identification, description, illustration, display or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign structures.

Sign Types:

Abandoned Sign: A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of billboard signs, or at least 360 days in the case of all other signs.

Banner: A sign made of natural, synthetic or plastic material used to call attention to a land use or product, service or activity; however, not including pennants or flags.

Billboard Highway Advertising Sign: An off-premises sign owned by a person, corporation or the entity that engages in the business of selling the advertising space on that sign.

Business Center Sign: A sign which gives direction, name, and identification to a business center and which does not contain any additional information regarding individual stores, businesses, institutions, organizations, located in the planned complex or contiguous stores.

Directional Sign: An on or off premises sign which sets forth no advertising display, but is used to direct visitors or customers to a particular land use.

Entrance Way Sign: A sign that designates the street entrance way to a residential or industrial subdivision, apartment complex, condominium development, or permitted institution, from a public right-of-way.

Flag: A sign made of natural, synthetic or plastic material having a distinctive size, color and design used as a symbol or emblem.

Flashing Sign: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.

Ground or Pole Sign: A free standing sign supported by one (1) or more uprights, poles, braces or some other structure, placed in the ground surface and not attached to any building.

Highway Advertising Sign: See Billboard.

Home Occupation Sign: A non-illuminated sign announcing a home occupation or professional service.

Home Business Sign: A non-illuminated sign containing only the name and occupation of the permitted home business.

Identification Sign: A sign containing the name of a business operating on the premises where located, the type of business, owner or resident, and/or the street address and sets forth no other advertisement display.

Illuminated Sign: A sign that provides artificial light by either emission or reflection.

Informational Sign: A small, non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps and similar features.

Ingress-Egress Sign: A sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.

Marquee Sign: An “identification or business” sign attached to a marquee, canopy, or awning projection from the building.

Off-Premises Advertising Sign: A sign which advertises a business or activity conducted elsewhere than on the premises where the sign is located.

Pennant: A small, often triangular, tapering flag used in multiples as a device to call attention to a land use or activity.

Portable Sign: A freestanding sign not permanently anchored or secured to either a building or the ground, but are trailered or similarly mounted signs or signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object.

Projecting Sign: A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.

Roof Sign: Any sign which is erected above the roof of a building.

Subdivision Sign: A free-standing sign used in connection with a subdivision plat, illustrating said plat for the purpose of indicating the location of lots within the plat and/or their availability for purchase.

Seasonal Commodity Sign: An on or off premise sign which indicates the name of the farm, the sale of farm products produced seasonally on the premises, the location of the premises, and/or the hours open to the public.

Temporary Sign: A display sign, banner, or advertising device with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations.

Wall Sign: A sign which is attached directly to or painted upon a building wall.

Spotlight: A luminaire designed to light a small well defined area.

Site Condominium: A plan or project consisting of two or more site condominium units established in compliance with the Condominium Act, Public Act. No. 59 of the Public Acts of Michigan of 1978, as amended. As used in reference to a “site condominium subdivision” in this Ordinance, the terms are defined as follows:

- A. **Site Condominium Unit:** That portion of a condominium project that is designed and intended for separate ownership and use, as described in the master deed, and within which a building or other improvements be constructed by the condominium unit owner.
- B. **Building Envelope:** The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed.
- C. **Building Site:** That portion of a condominium project that shall include the site condominium unit and that may also include limited common elements as described in the master deed. For purposes of determining compliance with the applicable requirements of the zoning ordinance (including, without limitation, area, width, and setback requirements) or with other applicable laws, ordinances, or regulations, a “building site” shall be considered to be the equivalent of a “lot”.
- D. **Limited Common Element:** That portion of a condominium project other than the condominium unit that is reserved in the master deed for the exclusive use of the owner of the site condominium unit.
- E. **Sketch Plan, Site Condominium:** A pre-preliminary plat or residential site plan.

Sketch Plan: See “Plot Plan”.

Solar Collector: A structural device designed to collect and concentrate the sun’s rays for the purpose of generating solar electrical energy or solar heat.

Solar Installations, Free-Standing or Ground-Mounted: A private system installed as an accessory structure on the ground of a parcel that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

Solar, Personal: Placeholder for definition.

Solar, Utility: Placeholder for definition.

Special Event: An occurrence or noteworthy happening of seasonal, civic, or religious importance, that is organized and sponsored by a non-profit community group, congregation, organization, club or society, and that offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a defined short period (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Uses: Those uses of land which are not essentially incompatible with the permitted uses in a zoning district, but possess characteristics of locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding areas, public services, facilities and adjacent uses of land.

Sponsor: Means any person who organizes, promotes, conducts or causes to be organized, promoted or conducted a mass gathering.

Story: That part of a building included between the surface of one floor and the surface of the next floor or the roof next above it. A story shall not include a basement, unhabitable attic or mezzanine as defined herein. (Graphic here).

Story, Half: A space under a sloping roof where the line of intersection of roof decking and wall is not more than three (3) feet above the top floor level and in which space not more than 60 percent of the floor area is completed for principal or accessory use.

Street: See Road.

Street Line: The legal line of demarcation between a street right-of-way and abutting land.
Structure: A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, buildings, mobile homes, signs and sign boards, towers, poles, antennae, swimming pools, decks, fences four (4) feet in height or more or other like objects; but not including fences up to four (4) feet in height, uncovered steps, docks, access steps required to negotiate changes in site elevation, and sidewalks, drives, paved areas and patios which protrude less than twelve (12) inches above the finished site grade.

Subdivision: That partitioning or dividing of a parcel or tract of land where the act of division creates five (5) or more parcels of land, each of which is ten (10) acres or less in area or where five (5) or more parcels of land, each of which is ten (10) acres or less in area, are created by successive divisions within a period of ten (10) years.

Subdivision Plat: The division of a tract of land for the purpose of sale or building development, in accordance with the Land Division Act, PA 288 of 1967, as amended, and the Municipal land division regulations.

Subdivision Control Act: Land Division Act 288 of 1967, as amended.

Surveyor: A land Surveyor licensed to practice in the State of Michigan.

Swimming Pool: A structure or container designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

14.2.20 "T" Terms

Temporary Use of Building: A use or zoning permitted to exist for a limited period under conditions and procedures provided for in this Ordinance.

Thoroughfare: See Road.

Tower: Means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Tower, Alternative Tower Structure: means man-made trees, clock towers, water towers, bell steeples, light poles and similar alternative – design mounting structures that camouflage or conceal the presence of antennas or towers.

Tower, Backhaul Network: means the lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Tower, Guyed: A wireless communications support structure, which consists of metal crossed strips or bars and is steadied by wire guys in a radial pattern around the tower.

Tower, Height: means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Tower, Lattice: A wireless communications support structure, which consists of metal crossed strips or bars to support antennas and related equipment.

Tower, Monopole: A vertical support structure consisting of a single vertical metal, concrete or wooden pole, typically round or square and driven into the ground or attached to a foundation.

Tower Park: means an area where multiple towers may be approved, by the Planning Commission, to be clustered, subject to engineering limitations.

Tower, Preexisting towers and preexisting Antennas: means any tower or antenna for which a permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Township Board: The Board of Trustees of Lake Township, Benzie County, Michigan.

Township Planner: The Township Planner is the person or firm designated by the Township Board and Planning Commission to advise the Township on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

Tool Shed: A residential accessory building designed to hold yard and garden tools and accessories.

Topographical Map: A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of grades and drainage.

Trailer Coach: Mobile Home as defined herein.

Travel Trailer Park: See campground as defined herein.

Traveled Surface of Roadway: For the purpose of establishing setbacks, it is that portion of the roadway surface whose principal function is to provide for the passage of motor vehicles as they traverse the roadway, excluding there from the shoulder of the road which is principally used for the emergency stopping or parking of motor vehicles or for the passage of pedestrians and bicycles. The Township will declare such traveled surface of each lane of the roadway to be no less than eleven (11) feet wide, thereby having a minimum of eleven (11) feet of traveled surface either side of the centerline of a two (2) lane road; three (3) traveled surfaces of eleven (11) feet each in width for a three (3) lane road or a two (2) lane road with a passing lane or turning lane at an intersection; and four (4) traveled surfaces of eleven (11) feet each in width for a four (4) lane road or a three (3) lane road with a passing lane or a turning lane at an intersection.

14.2.21 "U" Terms

Usable Floor Area: See Floor Area, Usable.

Use: The purpose for which land or a building is arranged, designed, or intended, or for which land or a building may be occupied.

Utility Pole: Means a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than fifteen (15) feet in height above ground.

14.2.22 "V" Terms

Variance: A grant of relief upon a finding of a practical difficulty by a Zoning Board of Appeals other than for use, and typically from dimensional or numerical standards of the Ordinance such as from setback or yard requirements, and where such a variance would not have the effect of permitting a use of land or a structure that is not otherwise permitted in the zoning district.

Vehicle: See Automobile

Veterinary Clinic: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

14.2.23 "W" Terms

Wall: An upright structure, typically constructed of wood, masonry, or stone materials, that encloses, divides, or protects an area.

Warehouse, Commercial Storage: A building used primarily for the storage of goods and materials available to the general public for a fee.

Warehousing: Placeholder for definition.

Watercraft: Any motorized boat or water vehicle, regardless of size or length, or any non-motorized boat or water vehicle more than sixteen (16) feet in length.

Watercraft, Personal: A registered motorized vessel or floating craft specifically designed to carry astraddle not more than four (4) passengers. For purposes of determining the number of watercraft permitted under this Ordinance, a personal watercraft shall be considered as one-half of a watercraft. **Water Mark, High:** The highest normal water level of the major lakes, rivers or streams within the Township based on the water level history of each respective body of water or as established by the Benzie County Circuit Court.

Water Resources Commission: The Water Resources Commission of the Michigan Department of Natural Resources and Environment (MDNRE).

Way: A roadway. (See Road)

WECS: Shall be the approved form of abbreviation of "wind energy conversion system".

A. WECS shall mean a combination of:

1. A surface area, either variable or fixed, for utilizing the wind for electrical powers; and
2. A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving generator, alternator, or other electricity producing device; and
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon or other structure upon which any, all, or some combination of the above are mounted.

B. WECS Definitions:

1. **Ambient Sound Level:** The amount of background noise (including source that are constant and/or periodic) at a given location prior to the installation of a WECS, that is measured on the dB(A) weighted scale as defined by the American National Standards Institute.
2. **Anemometer:** A temporary device that is constructed at a given location to study any and all characteristics of the wind resource. This includes all hardware used to hold the device and all associated equipment used to record and/or transmit data.
3. **Decibel:** A unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

4. **Decommissioning:** The process of terminating operation of a WECS and completely removing all related buildings, structures, foundations, access roads and equipment.
5. **Large (commercial) WECS:** A wind energy system defined herein, consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 30 Kilowatts (kW).
6. **Occupied Building:** A residence, school, hospital, church, public library, business or other building used for public gatherings.
7. **Owner:** The individual or entity, including their respective successors and assigns, that have an equity interest or own the WECS in accordance with this Ordinance.
8. **Operator:** The entity responsible for the day-to-day operation and maintenance of a WECS.
9. **Shadow Flicker:** The moving shadow, created by the sun shining through rotating blades of a WECS.
10. **Small (Residential) WECS:** A wind energy system as defined herein, consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of less than 30 Kilowatts (kW).
11. **Wind Farm:** More than one Large WECS located in a defined area that are designed to function as a unit.
12. **Unit:** All parcels of land either owned by or leased to the applicant that will define the Wind Farm.
13. **Total Height:** The vertical distance measured from the ground level at the base of a tower to the uppermost vertical extension of any blade of the turbine.
14. **Upwind Turbines:** A type of wind turbine in which the rotor faces the wind.
15. **System Useful Life:** The period of time expressed in years that a WECS would be expected to remain in operation.
16. **Non-Functional system:** A WECS system that is not generating electricity
17. **Household WECS:** Is a WECS that supplies electricity to a single parcel with a design output of less than 30KW per day and does not generally flow electric energy to the utility system. Such a system supplements the electrical energy used at a dwelling and is connected to specific circuits which may have automatic transfer to the electrical utility to maintain a constant source of electric energy. A household WECS may be allowed with a Land Use Permit in all zoning districts provided it complies with the applicable regulations and standards.

18. **Commercial WECS:** A WECS that has a design output rated at 30KW per day or greater, and is interconnected to an electrical utility to provide electrical energy for community wide distribution. A commercial WECS may be allowed by Special Use Permit in specific zoning districts provided applicable regulations and standards are met.
19. **Wind Farm:** A commercial WECS development involving three (3) or more WECS that are interconnected and provide electrical energy community wide and/or statewide distribution. A WECS Wind Farm may be allowed by Special Use Permit and by meeting specific standards.
20. **Tower Height:**
- a. **Horizontal Axis Wind Turbine Rotors:** The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally-mounted WECS exceeds the structure which supports the rotor and blades;
 - b. **Vertical Axis Wind Turbine:** The distance between the ground and the highest point of the WECS.
21. **Survival Wind Speed:** The maximum wind speed as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
22. **Interconnected WECS:** A WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

Wetland: A wetland as defined by Part 303: Wetland Protection Act of Michigan's Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

Wind Turbine Generators: An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

Wireless Communication Equipment: The set of equipment and network components used in the provision of wireless communication services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless Communication Facilities: All structures and necessary facilities, related to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals, telephone transmission equipment, private and commercial radio services, personal communication services and cellular telephone services.

Wireless Support Structure: Means a freestanding structure designed to support or capable of supporting small cell wireless facilities. Wireless support structure does not include a utility pole.

Wireless Telecommunication Support Structure - Tower: Any wireless telecommunication facility erected or modified to support attached wireless telecommunication facilities, or other antennae or facilities, including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless telecommunication facility or similar apparatus above grade. This includes, but is not limited to, any ground or roof-mounted pole, monopole, lattice tower, light pole, utility pole, wood pole, guyed wire tower, spire, other similar structure or combination thereof, or other structures that appear to be something other than a mere support structure.

Wood Burning Furnace, Outdoor: “Outdoor wood furnace” also known as an outdoor wood-fired boiler, outdoor wood-burning appliance, or hydronic heater, means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a building intended for habitation by humans or domestic animals, and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

14.2.24 “X” Terms

14.2.25 “Y” Terms

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

Yard, Front: A yard extending across the front of a lot between the front line of the lot and nearest point of the main building or land use.

Yard, Rear: An open space on the same lot with a main building, unoccupied, except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot.

Yard, Side: An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front or rear line shall be deemed a side line.

Yield Plan: A plan showing layout and density as allowed under conventional zoning regulations to be used to determine overall density and number of buildable parcels, lots or condominium units under the Open Space Preservation provisions of Act 110 of 2006, as amended, and this Ordinance.

14.2.26 "Z" Terms

Zoning Administrator: The Township official(s) authorized to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of Planning Commission actions, sending notices of public hearings, and similar work.

Zoning Board Of Appeals: The Body appointed pursuant to the provisions of Michigan Zoning Enabling Act, PA 110 of 2006, as amended, to serve as the Zoning Board of Appeals for Lake Township.

Zoning District: A portion of the incorporated area of the Township within which on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established under the provisions of this Ordinance.

Zoning Ordinance: The Lake Township Zoning Ordinance.

Zoning Permit: Permit required for any change in use of land, or structure in accordance with the provision of this ordinance. (See Land Use Permit)

From existing ordinance, need to reconcile:

B. Definitions:

2. **Access Lot:** A lot in which more than one (1) property owner/parcel has legal interest in.
3. **Bottom – land:** The land area of an inland lake or stream which lies below the ordinary high water mark and which may or may not be covered by water at a particular time.
4. **Buffer Strip:** Natural, landscaped and open space areas or any combination thereof used to filter or impede storm water runoff or physically separate or screen one use or land feature from another in order to visually shield or reduce noise, artificial lighting, or other nuisances.
5. **Crystal Lake Watershed Overlay District:** All areas that are in the Crystal Lake Watershed, according to the Crystal Lake Watershed Overlay Map (see figure X).
6. **Easement to Water:** The interest in or the ownership or use of property having water frontage on a water resource by the occupants of one or more easement grantee lots.
7. **Impervious Surface:** Any surface including streets, roads, driveways, parking areas, sidewalks, patios, and roof tops, which prevents stormwater from percolating into the ground.

8. **Lot, Water Front:** A lot that has water frontage on a water body.
9. **Lot line, Water Front:** The ordinary high water mark of surface water or watercourses or boundary line of a wetland area (as defined by Section 307 of 1994 P. A. 451).
10. **Mowing and Bagging:** The process of using a lawn mower to cut the grass or ground vegetation in a way which allows the cuttings to be removed for deposition elsewhere.
11. **Non-Point Source Pollution:** General storm water runoff from impervious surfaces and sediment from urban, agriculture and forestry sources, as well as subterranean water influx to a waterbody.
12. **Ordinary High Water Marks:** The line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.
13. **Organic Beach Debris:** Organic matter that washes up on the shoreline. To include but not be limited to leaves, aquatic plants, chara, filamental algae, dead fish, dead animals and shoreline vegetation that has broken loose and washed up, etc.
14. **Permeable Materials:** Materials that permit full or partial absorption of storm water into underlying soils, including, but not limited to shredded bark, wood chips, paving bricks if installed without mortared joints, landscape stone and wood decks.
15. **Phosphate Containing Fertilizer:** Any fertilizer of any type that contains phosphorus.
16. **Platte Lakes Area:** The Platte Lakes Area is defined as the property immediately surrounding the Platte Lakes. Boundaries may vary due to slopes and permeability of the soils; the greater of either increases the distance of the boundary from the water's edge. The interpretation of the boundaries of this area shall be the responsibility of the Zoning Administrator, whose decision may be appealed to the Board of Appeals. In cases where a parcel is not entirely within the boundaries of the Platte Lakes Area only those portions within the Platte Lakes area are required to comply with the regulations of this Article.
17. **Removal of Vegetation:** Includes, but is not limited to, the cutting, pruning, pulling, digging out, chemical treatment, etc. such that a sufficient amount of the plant and/or related root structure are removed/destroyed such that the plant will no longer continue to grow and bare soil is exposed.
18. **Sediment:** Solid particulate matter, mineral or organic that has been deposited in water, is in suspension, or being transported by water, or has been removed from its site of origin by the process of soil erosion whether natural or induced.

19. **Slope:** A portion of land that has either an upward or downward inclination.
20. **Slope, Steep:** A slope that has a topographic grade of eighteen percent (18%) or greater.
21. **Soil Erosion:** The wearing away of land by the action of wind, water, gravity or a combination thereof including ice.
22. **Stream:** Any natural flow of water, which has a defined bank and bottom, whether it be continuous or intermittent.
23. **Upland:** The land area that lies above the ordinary high water mark or wetland.
24. **Water Body:** Any natural or artificial inland lake or stream, all being water resources.
25. **Water Frontage:** The straight-line horizontal distance measured between the two most widely separated points along the water front line.
26. **Watershed Overlay Districts:** All areas within the Crystal Lake Watershed Overlay District and Platte Lakes Area; along with all navigable water bodies and watercourses, wetland area 0.5 acre or larger in size, non-navigable waterways with tributaries from other non-navigable waterways whose origin is from surface run off, or spring fed, outside of these Districts.
27. **Wetland:** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh. Additionally, any area that has the presence of saturated hydrological conditions during ten percent (10%) of the growing season and a dominant presence of hydrophilic vegetation or hydric soils.
28. **Wildlife Habitats:** Areas of environment upon which wildlife depend for survival as self-sustaining populations in the wild, including land and water needed for cover, protection or food supply.
29. **Yard, Waterside:** The open space extending across the full width of a lot between the building line and the ordinary high water mark of any water resource and measured perpendicular to the building at the closest point to the ordinary high water mark. This shall be the rear of the yard for a water front lot.