

DEFINITIONS

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.

DEFINITIONS

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

“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 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 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 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, 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 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 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.

Animal Care Institution: A personal service use offering care for domestic animals and pets, including but not limited to: veterinary offices/clinics, veterinary laboratories, and pet daycare and boarding services.

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)~~ five (5) 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 upholstery 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.

“B” Terms

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

Basement: A story that is not a story above grade plane. (See current Michigan Residential Code for further definitions) (story, story above grade plane, grade plane, etc.) This may also refer to a Cellar.

Battery Energy Storage Facility, Utility Scale: A Battery Energy Storage System that is a principal use and that is designed and built to connect to the transmission grid with a nameplate capacity of 50 megawatts or more.

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, open 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.~~

"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, pay 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. **Child Care Home, Family:** 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. Child Care Home, Group: 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 Farming: The production of an agricultural product cultivated on a farm (see “Farm”) with the intent of sale of any amount, without any minimum threshold.

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.

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.

"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 Single-Unit~~:

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~~ Two-Unit: A building, such as a duplex or similar structure, 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.

Dwelling, Multiple Unit: A structure containing three (3) or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. Dormitories, rooming and boarding facilities, and convents/monasteries are considered Multiple Unit Dwellings.

Duplex: See Dwelling, Two Family.

“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.

“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.~~
- A. An individual or group of two (2) or more persons related by consanguinity, marriage, or adoption together with foster children or servants of the principal occupants, with not more than one (1) 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, up to six (6) persons, 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, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. This definition also does not include halfway houses for prisoner re-entry and similar facilities. It also does not include medication-assisted treatment for substance abuse patients, substance abuse disorder treatment facilities, and similar facilities for those not recovered from substance abuse treatment such as sober living homes.

~~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.~~

The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

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.

“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.

Greenhouse, Commercial: A structure or enclosure for the cultivation or protection of plants with the intent of sale of any amount, without any minimum threshold.

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

“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 **and is staffed by no more than one (1) non-resident employee.**

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.

“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. f

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.

Industrial Uses: The utilization of land or structures for the purpose of producing, processing, assembling, repairing, storing, or distributing goods and materials.

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.

“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.~~

“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.

“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.~~

Livestock: Those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits.

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. When land is divided by a public or private road easement, net lot area shall only include the portion of the lot on the same side of the road.

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.

"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, Manufactured."

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.

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](#)

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.~~

"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.

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.~~

An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as: noise, dust, smoke, odor, glare, fumes, flashes, vibration, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, and vehicle traffic.

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.

"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. A lot remnant or parcel of land, which is intended as open space, drainage, or other use, for which no private development is immediately planned.~~

“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.

Personal Service Establishment: An establishment that provides non-medical services to individuals as a primary use. These uses may include: barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats, locksmiths, massage (licensed, therapeutic, non-sexual), nail salons, shoe repair shops, tailors, and tanning salons. These uses may also include accessory retail sales of products related to the services provided.

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.~~ A specific parcel of land or several contiguous parcels of land, under single ownership and control, for which a comprehensive physical plan, meeting the requirements of Section 9.1 and establishing functional use areas, density patterns, a fixed system of streets, provisions for public utilities, drainage and other essential services, and subject to review and approval by the planning commission and which has been or will be developed in full accordance with the approved plan.

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 no grading, cutting, storing of 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.

“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.

“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, offered for delivery, **or delivered to another location for consumption**. 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.

“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 and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance.

Setback, Front: Check to see if needed

Setback, Rear: Check to see if needed

Setback, Side: Check to see if needed

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.

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”.

Slope: : The ratio of vertical distance to horizontal distance (rise divided by run) for a maximum distance of 20 feet. (

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 Energy System, Utility Scale: A utility-scaled facility that converts sunlight into electricity, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies for the primary purpose of wholesale or retail sales of generated electricity off-site.

~~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.

Structure: Anything constructed or erected, whether temporary or permanent, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, tents, greenhouses, sheds, antennae, swimming pools, and signs.

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.

“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.

“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.

“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.

“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.

Wind Energy Conversion System, Utility Scale: The combination of structures, mechanical equipment, and associated controllers which convert wind energy into usable electricity and has a nameplate capacity of 100 megawatts or more.

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.~~

"X" Terms

"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.

"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:

A. **Definitions:**

1. **Access Lot:** A lot in which more than one (1) property owner/parcel has legal interest in.
2. **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.
3. **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.
4. **Lot, Water Front:** A lot that has water frontage on a water body.
5. **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).
6. **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.
7. **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.
8. **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.
9. **Phosphate Containing Fertilizer:** Any fertilizer of any type that contains phosphorus.

10. **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.
11. **Slope:** A portion of land that has either an upward or downward inclination.
12. **Slope, Steep:** A slope that has a topographic grade of eighteen percent (18%) or greater.
13. **Soil Erosion:** The wearing away of land by the action of wind, water, gravity or a combination thereof including ice.
14. **Upland:** The land area that lies above the ordinary high water mark or wetland.
15. **Water Body:** Any natural or artificial inland lake or stream, all being water resources.
16. **Water Frontage:** The straight-line horizontal distance measured between the two most widely separated points along the water front line.
17. **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.
18. **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.
19. **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.
20. **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.