

LAKE TOWNSHIP

ZONING ORDINANCE

EFFECTIVE DATE:

JULY 22, 2010

While every effort has been made to maintain complete accuracy, this copy is to be used for reference purposes only. The certified copy maintained by the Township Clerk is the official copy of the Ordinance. Always check with the Clerk for subsequent amendments to this Ordinance prior to making any decisions.

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LAKE TOWNSHIP

BENZIE COUNTY, MICHIGAN

An Ordinance to establish zoning districts and regulations governing the unincorporated portions of Lake Township, Benzie County, Michigan, in accordance with the provisions of Public Act 110 of 2006, as amended; and Public Act 33 of 2008, as amended; to provide for regulations governing non-conforming uses and structures; to provide for a Board of Appeals and its duties and powers; to provide for land use permits and the collection of fees thereof; to provide for the administration of this Ordinance, including the official whose duty it shall be to enforce the provisions hereof; to provide for penalties for the violation of this Ordinance; and to provide for conflicts with other Ordinances or regulations.

THE TOWNSHIP BOARD FOR THE TOWNSHIP OF LAKE, COUNTY OF BENZIE AND STATE OF MICHIGAN, ORDAINS:

ARTICLE I
PREAMBLE

Sec. 1.1 Title

This ordinance shall be known as the Lake Township Zoning Ordinance. The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning the operation of this Ordinance shall be implemented and accomplished pursuant to the MZEA, as amended. Effective July 1, 2006, any reference in this Zoning Ordinance to the Township Zoning Act are to be deemed a reference to the Michigan Zoning Enabling Act. [MCL 125.3101 et seq]

Sec. 1.2 Purpose

The purpose of this ordinance is to promote the health, safety and general welfare of the inhabitants of the Township of Lake, County of Benzie, Michigan, by preventing the overcrowding of improvements on its lands, avoiding undue congestion of population, facilitating transportation systems, public utilities and ensuring fire safety, and thereby promoting the orderly development of the residential, commercial and recreational interests of said inhabitants.

Sec. 1.3 Validity and Severability

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

Sec. 1.4 Conflicting Ordinance of Regulation

Where this Ordinance or portions thereof, impose greater restrictions upon the use of structures or land or upon height or bulk or structures, or requires larger open spaces or

yards than imposed by any other Ordinances or regulations relating to Lake Township, the more restrictive provisions shall govern.

Sec. 1.5 Repeal of Prior Ordinance

The Lake Township Zoning Ordinance effective June 2, 2008 is hereby repealed with the provision that a situation that was not a lawful, non-conforming situation under the previous Zoning Ordinances does not achieve lawful non-conforming status under this Ordinance and a lot which was not a lot of record under the previous Zoning Ordinances does not achieve the status of a new lot of record herein.

Sec. 1.6 Computation of Time

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

Sec. 1.7 Provisions Not Affected By Headings

Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.

Sec. 1.8 Amended Michigan Statutes

Whenever any provision of this Ordinance refers to or cites a section of the Michigan Statutes and that Michigan Statute is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended Michigan Statute section or the section thereof that most nearly corresponds to the superseded section.

Sec. 1.9 Codification

This Ordinance is codified by the use of articles and sections, and organized in this manner. Article numbers and Section numbers not used in this Ordinance, or skipped, are reserved for future use.

Section 1.10 References to Planning and Zoning Commission

All references in this Zoning Ordinance to the Lake Township Planning and Zoning Commission shall be, and are hereby, amended to mean the Lake Township Planning Commission.

ARTICLE II DEFINITIONS

Sec. 2.1 Interpretation of Wording

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.

Words in the masculine gender include the feminine and neuter.

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.

The word “shall” is always mandatory and not discretionary. The word “may” is permissive.

The word “building” or “structure” includes any part thereof.

The word “person” includes a firm, partnership, association, trust, company or corporation, as well as an individual.

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.”

Any word or term not defined herein shall be used with a meaning of common or standard utilization.

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.

“Township” shall refer specifically to Lake Township.

Section 2.2 Definitions For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

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.

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.

Amusement Arcade: A building containing mechanical and electronic devices offered to the public for a fee.

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.

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

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

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

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

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

Boat: See Watercraft.

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

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

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

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

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

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

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

Building, Height Of: 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; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

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.

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.

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.

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.

Daycare, Family Facility: A state-licensed facility for the care of six (6) or less preschool and/or school aged children.

Daycare, Group Facility: A state-licensed facility for the care of seven (7) and not more than twelve (12) preschool and/or school aged children.

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.

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 three (3) but not more than nine (9) existing or proposed lots or site condominium units.

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, 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:

1. No more than one (1) single family dwelling per lot.

2. A detached building designed for or occupied exclusively by one family, and complying with the following standards:
 - A. It complies with the minimum square footage requirements of this Ordinance.
 - B. 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.
 - C. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the County Health Department.
 - D. 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.
 - E. 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.
 - F. 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.
 - G. 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.
 - H. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.

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

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 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.

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.

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.

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.

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.

FAA: Means the Federal Aviation Administration.

Family:

1. 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
2. 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.

FCC: Means the Federal Communications Commission.

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.

Foster Care, Adult: A governmental or private facility licensed by Act 218 of 1979, as amended, to receive adults for foster care. A capacity of six (6) or less is considered a residential use subject to the spacing requirements of the Act. A capacity of seven (7) or more is considered a commercial use and is not permitted in a residential district.

Footprint: The ground area a structure covers.

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.

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.

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

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 Department: See County Health Department.

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

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

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

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.

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

Institutional Structures: Such as churches or similar places of worship and related uses, educational uses and public buildings.

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.

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.

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.

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.

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. 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.

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, 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.

Lot Line: A line which marks the boundary of a lot.

Lot Line, Front: That lot line which borders the major street.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line which is not a front lot line or a rear lot line; a lot line separating a lot from a side street is an exterior side lot line and a lot line separating a lot from another lot, or lots is an interior side lot line.

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, Width: The length of a straight line drawn between the two (2) side lot lines and intersecting the front building line (subject to the front setback).

Lot, Width/Depth Ratio: Newly created lots should not exceed four (4) times the width in depth.

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

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.

MDNRE: The Michigan Department of Natural Resources and Environment.

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.

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

Mobile Home: See Dwelling.

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

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

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.

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.

Normal High Water Mark: See Water Mark.

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.

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

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

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.

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.

Permit, Zoning: See Land Use Permit.

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

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

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

Planned Unit Development (PUD): A land area which has both individual building sites and common property such as a park and which is designed and developed under one (1) owner or organized group as a separate neighborhood community unit.

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.

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

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.

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.

Recreation, Private 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.

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.

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.

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.

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, 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 “roadside stand” is a structure for the display and sale of agricultural products, without space for customers within the structure itself.

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 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.

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.

“Dish” shall mean that part of a satellite signal receiving antenna characteristically shaped like a saucer or a dish.

“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.

“Receiver” shall mean a television set or radio receiver.

Setback: The minimum required horizontal distance from the applicable lot lines within which no buildings or structures may be placed.

Setback Lines: Line(s) established parallel to a lot line and along a highway 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 facility offering sexually explicit materials for compensation and as regulated by this Ordinance.

Short-term Rental: A residential dwelling unit lawfully established under this Ordinance and meeting all of the requirements of this Ordinance which is non-owner occupied, renting to the transient public for compensation for a period of less than thirty (30) days, when not a hotel, motel, resort, boarding house, bed and breakfast, lodging, or rooming house and pursuant to a written or unwritten lease or agreement.

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

Sign Regulations Definitions:

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.

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.

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:

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.

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.

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”.

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.

Sketch Plan: A pre-preliminary plat or residential site plan.

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

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 portion of a building included between the top surface of any floor and the top surface of the floor next above.

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

Street: See Road.

Street Line: The legal line of demarcation between a street right-of-way and abutting land.

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

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

Subdivision 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 designed to hold water and either in ground or above ground.

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, 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 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: Lake Township Board of Trustees.

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.

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

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.

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

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.

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”.

WECS shall mean a combination of:

A surface area, either variable or fixed, for utilizing the wind for electrical powers; and

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

The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and

The tower, pylon or other structure upon which any, all, or some combination of the above are mounted.

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

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.

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.

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.

Tower Height:

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;

Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.

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.

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: Land characterized by the presence of water at a frequency and duration sufficient to support and that, under normal circumstance, does support wetland vegetation or aquatic life and that is commonly referred to as a bog, swamp, or marsh.

Wireless Communication Towers: 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.

OUTDOOR WOOD BURNING FURNACE: “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.

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.

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)

Zoning Ordinance: The Lake Township Zoning Ordinance.

Sec. 2.3 Words Requiring Special Interpretation: Any words requiring special interpretation and not listed above shall be used as defined in a standard dictionary.

Sec. 2.4 Words Not Defined Any words requiring special interpretation and not listed above shall be used as defined in a standard dictionary.

ARTICLE III
GENERAL PROVISIONS

Sec. 3.0 Scope Except as otherwise provided in this Ordinance, no lot or parcel of land, no existing building, structure or part thereof and no new building, structure or part thereof shall hereafter be located, erected, constructed, reconstructed, altered or used for purposes other than in conformity with the provisions of this Ordinance which shall apply to all land use districts in the Township of Lake.

Sec. 3.1 Access To Public Road In any zoning district, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public road right-of-way, or a private road easement held in common by all property owners abutting, and shall be shown on all sketch and site plans.

Sec. 3.2 Accessory Building As Dwelling No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.

Sec. 3.3 Accessory Structure Setbacks Accessory structures shall meet the same setback requirements as a principal structure in the District wherein it is located.

Sec. 3.4 Accessory Use Without A Principal Use No construction of an accessory use structure shall be permitted without the foundation for a principal use structure first being in place, except in the R-2 and C-1 Districts. However, an accessory structure may be constructed on a separate lot(s) provided the separate lot(s) is immediately adjacent to the lot on which the principal use structure is located and both lots are, and will remain, under common ownership.

Sec. 3.5 Access Lots

Access lots may be lawfully created after the effective date of this Ordinance provided they have a minimum front yard width of fifty (50) feet, are a minimum of fifty (50) feet wide through the length, and have fifty (50) feet of frontage along the water line of the adjacent lake, river or stream.

An access lot having a minimum width of fifty (50) feet throughout its depth may be used for a beach structure provided said structure meets all dimensional setback requirements, is no larger than one hundred fifty (150) feet gross square footage in size, and is not used for other than non-commercial waterfront recreational uses and related storage.

Unless the residences having the privilege to use an access lot, are within two hundred fifty (250) feet of the access lot, a minimum of two (2) parking spaces shall be provided off of the road right-of-way for each fifty (50) feet in width of the access lot.

No more than two (2) families may share each fifty (50) feet of an access lot, whether access is gained by easement, joint or common fee ownership, lease, license, site

condominium unit, stock or membership in a corporation, or by any means. See Sec. 3.11 for dock and dockage limitations.

Projects involving more than two (2) families shall be subject to the Site Plan Review Process.

Sec. 3.6 Amusement Arcades - Mechanical amusement arcades may be permitted in the C-1 Zoning District subject to the following conditions:

A. Adequate lighting inside and outside the premises shall be provided for the safety of patrons and the public.

B. All off-street parking, loading and public street access requirements shall be provided as required by Article III of this Ordinance.

C. Bicycle racks shall be provided on-site within twenty-five (25) feet of any arcade.

D. No game arcade shall be open for business except between the hours of 10:00 a.m. and 10:00 p.m. on Sundays through Thursdays; and between the hours of 10:00 a.m. and 12 midnight Fridays and Saturdays.

Sec. 3.7 Antennas and Satellite Dishes - Location of Satellite dish: Satellite Dishes, wherever possible, shall be located in the rear yard or side yard, but shall conform to the setback requirements, shall be ground mounted, bonded to a grounding rod, and shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.

Sec. 3.8 Auto and Boat Dealers - Outdoor display of individual pieces of equipment may be allowed in areas so designed in the site plan as approved provided the display area has been designed and constructed as part of the overall site improvements. Display areas shall be suitably landscaped. Such landscaping shall include shrubs and trees in sufficient quantity to mitigate any adverse impact of the outdoor display. Servicing and repairs shall be conducted only within a totally enclosed building.

Sec. 3.9 Automotive Service Stations - 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.

All repairs or servicing shall be conducted only within a completely enclosed building. Parking or storage of any vehicles shall be in accordance with an approved site plan. Screening or fencing shall be as required by the Planning Commission.

Sec. 3.10 Boarding Houses -

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

Sec. 3.11 Boat Docks Limitations

- A. The purpose of this section is to regulate the use of lakefront property and control boat docks and dockages in order to: protect natural resources, guide the proper development of shoreline areas; prevent overcrowding of land and water; minimize pollution and degradation of public waters; protect life and property by reducing the risk of boating accidents; preserve the recreational use of lakes and lake environments; protect property values; and, protect the public health, safety and general welfare.
- B. Except as otherwise provided in this Ordinance for access lots, not more than one (1) dwelling unit may have the use of water frontage per one hundred (100) feet thereof as measured along the water's edge. Not more than one (1) dock and no more than two (2) dockages (as defined in Sec. 2.2 of this Ordinance) shall be permitted for each fifty (50) feet of contiguous lake frontage.
- C. Notwithstanding the foregoing, lots of record less than one hundred (100) feet in width shall have the use of the water frontage, but subject to applicable conditions of paragraph "B" above.
- D. Public Recreational areas regulated by governmental agencies are not subject to the standards set forth in this section.
- E. Dock and dockage privileges are not severable from the lot to which they are appurtenant, and may not be separately sold, leased, assigned, or otherwise alienated, conveyed, or encumbered.
- F. No docks or dockages are permitted at stub road ends, public accesses, or access walkways.

Sec. 3.12 Campgrounds and Travel Trailer Park Camps –

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

B. Site development requirements: Sites shall be a minimum of ten (10) acres, developments shall comply with the provisions of Act 368 of the Public Acts of 1978, as amended, and also with the following:

C. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a travel trailer park are permitted as accessory uses in the districts in which trailer parks are allowed, PROVIDED that:

1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park.
2. Such establishments shall be restricted in their use to the occupants of the park.
3. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
4. No space shall be so located that any part intended for occupancy is within one hundred (100) feet of a residential district.
5. In addition to meeting the above requirements, the travel trailer site plan shall be subject to the review and approval of the health department.
6. Storage areas for unoccupied travel trailers, motor homes and similar units may be allowed as an accessory use.

D. Review and approval shall comply with the requirements of Articles XI and XII of this Ordinance.

Section 3.13 Conditional Rezoning: It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL125.3101) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

A. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer

may be made either at the time the application for rezoning is filed, or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested zoning district.

4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the rezoning is requested.

5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered into voluntarily by the owner. An owner may withdraw all or part of the offer of conditions at any time prior to the final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with the appropriate notice and a new recommendation.

B. Planning Commission Review. The Planning Commission, after public hearing and consideration may recommend approval, approval with recommended changes or denial of the rezoning; provided however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the Owner.

C. Township Board Review. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. Should the Township Board

consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the Township Zoning Act (MCL 125.3101), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

D. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:

a. Be in a form recordable with the Register of Deeds of Benzie County.

b. Contain a legal description of the land to which it pertains.

c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner and that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the documents may be examined.

e. Contain a statement acknowledging that the Statement of Conditions shall be recorded by the Township with the Benzie County Register of Deeds.

f. Contain the notarized signature of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

4. The approved Statement of Conditions shall be filed by the Township with the Register of Deeds of Benzie County.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

E. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with the entire conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

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

G. Reversion of Zoning. If an approved development and/or use of the rezoned land do not occur within the time frame specified under Subsection F above, then the land shall revert to its former zoning classification as set forth in MCL125.3101. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of the rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

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

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

I. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Subsection F above, or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

J. Township Right to Rezone. Nothing in the Statement of Conditions, nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (MCL 125.3101 et seq.)

K. Failure to Offer Conditions. The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Sec. 3.14 Corner Lot Setbacks Structures located on multiple road frontage lots shall observe the minimum required front yard setback from all arterial or primary roads.

Sec. 3.15 Damaged Buildings Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months from the date of the occurrence of the damage or the effective date of this Ordinance.

Sec. 3.16 Dwellings, Minimum Dimensions A single family dwelling, including a mobile home, shall have a minimum width of twenty (20) feet over fifty (50%) percent of the entire structure length.

Sec. 3.17 Dwelling, Minimum Floor Area The minimum gross living area of a dwelling, and the minimum size for the footprint of the living portion of a structure shall be seven hundred twenty (720) square feet.

Sec. 3.18 Environmental Provisions -Regulation of Environmentally Sensitive Areas All uses allowable in all zoning districts of this Ordinance shall comply with the standards set forth in this section regulating the development of environmentally sensitive areas. These requirements shall be considered in addition to use restrictions or other applicable regulations for each zoning district, and shall be considered as a separate portion of the zoning application.

A. Intent It is the intent of these regulations to identify and *safeguard* those areas of the Township that are considered to be environmental sensitive to development, due to soil types, drainage, vegetation, wildlife habitats or other factors that are subject to being seriously endangered, damaged, or destroyed if allowed to develop in a manner inconsistent with their conservation and preservation. Since the welfare and well-being of the citizens of the Township are directly linked and related to the natural environment of the area, it is recognized by this Section that in order to maintain Environmentally Sensitive Areas in their natural condition for the benefit of mankind, it is necessary to protect such area from degradation.

B. Environmentally Sensitive Areas The protection of areas of environmental concern, such as Wetlands, High Risk Erosion, Dunelands, Floodplains or Steep Slope Areas, must be considered in conjunction with development.

Dune Formation and other sandy soil limitations are sensitive areas because some are unique natural features under protection of the Sand Dunes Protection Act, Part 353, 1994 PA 451.

Wetlands are defined by degree of soil wetness, generally including those soils classified by the Wetlands Act, Part 303, 1994 PA 451 as being able to support aquatic vegetation regardless of whether it has standing water or not. Any activity shall be prohibited unless a wetlands permit has been obtained from the MDEQ.

Sensitive Riverine Areas are defined as areas on each side of streams that could be subject to flooding or erosions *in* Part 301 and 315, 1994 PA 451.

Sensitive Inland Lakes are sensitive areas around the water body, including the watershed, which could be subject to flooding, erosion, or pollution per Part 301, 1994 PA 451.

Flood Plain Areas are low areas adjacent to inland lakes and streams subject to flooding according to the one hundred (100) year flood hazard boundary map as administered by the Federal Emergency Management Agency (FEMA). Part 31, 1994 PA 451.

Steep Slopes When the proposed building site has slopes in excess of fifteen (15) percent, questionable soil stability or evidence of erosion, the Zoning Administrator shall require the applicant to obtain a site analysis, Part 91, 1994 PA 451.

Groundwater Protection – Aquifers are at risk of pollution when recharged by surface waters and therefore must be protected in accordance with PA 98 of 1913 and CPA 282 of 1945.

C. Retaining Wall Permit No shoreline retaining wall shall be erected without first having obtained a permit from the Department of Natural Resources Bureau of Water and Land Management.

D. Removal of Vegetative Cover

1. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards: (for Crystal Lake Watershed District and Platte Lakes Area Management Plan – See Article XIII).
2. The removal of no more than forty (40) percent of trees that are six (6) inches or more in diameter (measured at one (1) foot above ground level) shall not be permitted.
3. Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
4. All trees intended to remain standing and undamaged shall be clearly marked on the proposed site plan.
5. In order to protect the trees and the roots of the trees, all structures and roads shall be set back at least ten (10) feet from the trees identified on the site plan to be left standing or undamaged.
6. Wherever feasible, groups or clumps of trees shall be preserved to encourage survival of the root zone.
7. Exceptions to the requirements of this subsection are as follows:
 - a. Tree removal or transplanting occurring during use of land for agriculture or the operation of a commercial nursery or tree farm.
 - b. Actions made necessary by an emergency, such as a tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease, or other disaster, in order to prevent injury or damage to persons or property or to restore order.
 - c. Tree trimming, removal or transplanting performed on or behalf of any governmental agencies.
 - d. Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees.

- e. Removal or trimming of dead, diseased, or damaged trees where the damage resulted from an accident or non-human cause.

E. Stormwater Detention

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

1. Special attention shall be given to proper site drainage so that runoff of stormwater will not adversely affect neighboring properties or the surface water quality of the Township's lakes and streams. Stormwater control mechanisms, such as retention/detention basins, vegetative buffers, swales, and infiltration trenches, shall be required to ensure that the peak rate of stormwater runoff, after development, does not exceed the rate prior to development.
2. All developments shall be designed, constructed, and maintained to protect the water quality of the Township's lakes and streams.

Sec. 3.19 Fences, Walls, and Screens In the L/R, R-1 and R-2 Districts, within the limits of a minimum front yard, no fence, wall, other than necessary retaining wall, or other screening structure shall be higher than three (3) feet. No such fence or wall located within a side or rear yard shall exceed six (6) feet in height.

Sec. 3.20 Fire Hazards In order to reduce fire hazards, no buildings or structures, including roof overhangs, shall be closer to any neighboring property line than as required by the setbacks in the Zoning District, or a minimum of ten (10) feet except as provided in Sec. 3.31.

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

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

Sec. 3.21 Foster Care Facilities - Such uses shall be duly licensed by the State of Michigan Department of Human Services.

A maximum to ten (10) persons may receive foster care at any one time. Such facilities shall be located where foster care residents will be safe from traffic and other hazards.
(Note: refer to state licensing requirements)

Sec. 3.22 Gasoline Service Stations –

A. Statement of Intent: Facilities to serve motor vehicles are of considerable importance within the Township, where the basic mode of transportation is the automobile. It is the intent of this Section to exercise a measure of control over service station buildings and their sites, and to establish a basic set of standards which will minimize traffic congestion and safety hazards including an emergency containment plan for spillage of petroleum products.

B. Uses Permitted: Gasoline Service Stations, as defined in Article II, PROVIDED ALL uses and services are conducted within a completely enclosed building.

C. Site Development Requirements: The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:

1. Site Location: The proposed site shall have at least one (1) property line on a major thoroughfare.
2. Building Setback: The service station building or buildings shall be set back fifty (50) feet from all street right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line in a residential district.
3. Access Drives: No more than two (2) driveway approaches shall be permitted directly from any major thoroughfare not more than one (1) driveway approach from any other public street.
4. Driveway approach widths shall not exceed thirty-six (36) feet measured at the property line.
5. Driveways shall be located as far from street intersections as practical, but no less than fifty (50) feet.
6. No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line.
7. Any two (2) driveways giving access to a single street shall be separated by an island with a minimum dimension of twenty (20) feet.
8. Lighting: Exterior lighting shall be so arranged that light is deflected away from adjacent properties.

9. Signs: As regulated in Article III.

Sec. 3.23 Greenbelt Buffer Prior to the commencement of construction of any structure or building of a commercial nature where such property abuts, adjoins, or is adjacent to a residential zone, a greenbelt shall be established. However, where permitted elsewhere in this Ordinance, an opaque wall or fence may be built in lieu of a greenbelt. A greenbelt shall be a minimum width of twenty (20) feet; shall be completed within six (6) months from the date of final inspection; shall thereafter be maintained with permanent plant material indigenous to this area; at least four (4) feet in height if evergreens, ten (10) feet in height if deciduous and supplemented with interspersed shrubbery at least two (2) feet in height so a sight screening effect can be expected within three (3) years.

Sec. 3.24 Golf Courses - Golf courses and Country Clubs: Other than golf driving ranges and miniature golf courses, shall be subject to the following conditions:

1. The site shall be directly accessible from a county or state highway.
2. All principal or accessory buildings, including in-ground swimming pools and parking areas, shall be at least one hundred (100) feet from any property line of abutting residentially-zoned lands.
3. Whenever a swimming pool is to be provided, said pool shall be constructed and operated in accord with Public Act 368 of the Public Acts of 1978, as amended.

Sec. 3.25 Hazardous Liquid Containment Secondary containment structures shall be required to protect the environment from accidental spills of all hazardous liquids. Hazardous liquids shall include all "hazardous wastes" as defined by Act 64 of 1979, that are in liquid form.

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

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

Sec. 3.26 Height Limitations

- A. Subject to the remaining provisions of this section, and subject to provisions in Article XIII Section 13.6 part N in the Crystal Lake Watershed Overlay District, structure height limitations in the various zoning districts shall be as indicated.

B Subject to subsection N-2, the following features are exempt from the district height limitations as set forth in subsection A.

1. Chimneys, church spires, elevator shafts and similar structural appendages not intended as places of occupancy or storage,
2. Flagpoles, television, amateur radio towers and similar devices, heating, air conditioning and similar equipment, fixtures and devices.

C. The features listed in Section (B) are exempt from the height limitations set forth in Section (A) if they conform to the following requirements:

1. Not more than ten percent (10%) of a total roof area if so located may be consumed by such features.
2. The features described in Section (B) above must be set back from the edge of the roof a minimum distance of (1) foot for every foot by which such features extend above the roof surface of the principal structure to which they are attached.

Sec. 3.27 Home Businesses –

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

- Home Businesses shall be incidental and subordinate to the principal use of the lot or parcel for residential purposes.
- The use shall not detract from the residential nature or character of the premises or surrounding zone and shall be compatible with surrounding properties and dwelling units.
- Home Businesses shall not result in the creation of conditions that would constitute a nuisance to neighboring properties, surrounding zoning districts, or the Townships as a whole; including, but not limited to noise, traffic, lighting or parking.
- There shall be no exterior evidence of the Home Business other than an unlighted nameplate not to exceed four (4) square feet in area.

- Such use of a residence as a base of operation for a home based business or home occupation are intended to provide reasonable flexibility, but a land use permit shall not be granted if the essential character of a lot or structure within a residential district, in terms of use or appearance, will be changed significantly.

A. Inspections, Revisions, Termination, and Extensions

1. Any home occupation, home based business, short-term rental, or bed and breakfast establishment may be subject to periodic review by the Zoning Administrator.
2. Revisions or additions to a Short-term Rental and Bed & Breakfast shall constitute a change of use and shall be subject to Formal Site Plan Review and revised approval by the Planning Commission. The revised Site Plan shall indicate the change.
3. Revisions or additions to a Home Based Business shall constitute a change of use and shall be subject to Formal Site Plan Review and revised approval by the Planning Commission. The revised Site Plan shall indicate the change.
4. In the event that a Home Business is not being conducted in a manner consistent with a residential use or Home Business; and/or is not in compliance with this Ordinance the Zoning Administrator shall have the authority to initiate enforcement action against the owner/operator of the Home Business in accordance with this Ordinance.

B. Home Occupations

Any activity which is clearly secondary to a residential use, carried out for economic gain, and which meets all of the following requirements:

1. Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right.
2. Home Occupations shall be operated in their entirety within the dwelling or within an attached or detached garage or accessory building.
3. Home Occupations shall be conducted only by the person or persons occupying the premises as their principal residence.
4. Additions to a dwelling or accessory structure for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling or accessory building and shall be designed so that the addition can be used for residential purposes if the home occupation is discontinued.

5. Home Occupations shall be incidental and subordinate to the principal use of the lot or parcel for residential purposes and shall not detract from the residential character of the premises or neighborhood.
6. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, electrical interference at a volume greater than 60 decibels at the property boundary, or create other conditions not typically associated with the use of the lot or parcel for residential purposes.
7. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
8. The outdoor storage of goods and/or materials associated with the home occupation is prohibited.
9. Adequate off-street parking shall be provided for patrons and clients.
10. No process, chemicals, or hazardous materials shall be used or stored on sites which are contrary to any applicable State or Federal laws.
11. There shall be no exterior evidence of the Home Occupation other than an unlighted nameplate not to exceed four (4) square feet in area.

C. Home Based Business

Any activity conducted on the premises and/or the premises serves as a base of operation from which to conduct the activity off-site, except a home occupation and a business conducting primarily retail sales, which is clearly secondary to a residential use, carried out for economic gain, and meets all of the following requirements:

1. Home Based Businesses may be permitted in any zoning district in which single-family dwellings are permitted, subject to Site Plan Review as specified in Article XI of this Ordinance. Home Based Businesses shall be allowed on the basis of individual merit. A periodic review of each such business may be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the use shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission subject to Article XI.

2. Home Based Businesses shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry other than an unlighted nameplate not exceeding four (4) square feet in area.
3. A Home Based Business shall occupy not more than one building. The floor area of such buildings shall not exceed twenty four hundred (2400) square feet.
4. The outdoor storage of vehicles, goods, and/or materials of any kind is prohibited unless screened from view by a tight-board wood fence, landscaped buffer, landscaped berm, etc. which shall retain the residential character of the neighborhood.
5. Home Based Businesses shall not result in the creation of conditions that constitute a nuisance to neighboring property owners and the surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Home Based Business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, electrical interference or other condition not typically associated with the use of the premises for residential purposes.
6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
7. Home Based Businesses shall be conducted only by the person or persons residing on the premises.
8. To ensure that the Home Based Business is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
9. Hours of operation shall be approved by the Planning Commission.
10. Adequate off-street parking shall be provided for patrons, clients and off-site employees.
11. No process, chemicals, or hazardous materials shall be used or stored on sites which are contrary to any applicable State or Federal laws.

D. Bed & Breakfast Establishments - It is the intent of this subsection to establish reasonable standards for Bed and Breakfast Establishments to assure that:

1. The property is suitable for transient lodging facilities.
2. Both the use and character of the lot is compatible with others in the same district.
3. Adjacent and nearby private lands shall not be subject to increased trespass.
4. The impact of the establishment is no greater than that of a private home with houseguests.
5. The following requirements for Bed and Breakfast Establishments together with any other applicable requirements of this Ordinance shall be complied with:
6. Off-street parking shall be provided in accordance with Article III of this Ordinance.
7. One non-illuminated sign no more than four (4) square feet in area.
8. The residence shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
9. The residence shall have at least two (2) exits to the outdoors.
10. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
11. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants with an additional thirty (3) square feet for each occupant to a maximum of four (4) occupants per room.
12. Proof of evaluation of the well and septic system by the health department shall be supplied by owner/occupant.
13. The Zoning Administrator or Planning Commission shall require that a floor plan drawn to an architectural scale of not less than one-eighth inch (1/8") = one (1) foot be on file with the fire department.
14. In the event that noise generation may be disturbing to neighbors, or that the location of the establishment is an area where trespass onto adjacent properties is likely to occur, then the Zoning Administrator or Township Planning Commission may require that fencing and/or planting buffer be constructed and maintained.

15. Rental of snowmobiles, ATV's or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.

A Site Plan Approval shall not be granted if the essential character of a lot or structure within the district, in terms of use, traffic generation or appearance will be changed substantially by the occurrence of the Bed and Breakfast use.

E. Short Term Rentals - Short-term rentals shall be permitted in any zoning district in which single-family dwellings are permitted, subject to the following requirements:

1. Application and Fee Requirements

An operator seeking a zoning permit under this Ordinance shall submit a complete application to the Zoning Administrator and pay the required fee, which shall be determined from time to time by resolution of the Township Board. The application shall include proof of ownership of, or the legal right to rent, a dwelling unit or efficiency dwelling unit, and all information reasonably necessary for the Zoning Administrator to determine whether the applicable standards for approval provided in part 2 have been met.

2. Standards for Approval

The Zoning Administrator shall approve, or approve with conditions, an application for a short term rental only upon a finding that the application complies with all of the following applicable standards:

- a. A dwelling unit, other than an efficiency dwelling unit, shall comply with all of the following requirements:
 - A room that constitutes habitable space as defined in the Ordinance, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between the front of countertops and appliances and/or between the front of countertops and walls.
 - Except as provided herein, habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height or not less than 7 feet. Provided, however, (1) beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height may be installed, and (2) bedrooms having a sloped ceiling over all or part of the bedroom shall have a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area.

- All bedrooms within a dwelling unit shall comply with the following requirements:
 - i. Every bedroom occupied by one person shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof. In calculating the floor area of a bedroom having a sloped ceiling over all or part of the bedroom, only that portion of the bedroom with a clear ceiling height of 5 feet or more shall be included.
 - ii. Except in dwelling units having only one (1) bedroom, the bedrooms shall not constitute the only means of access to other bedrooms or habitable space and shall not serve as the only means of ingress or egress from other habitable spaces.
 - iii. Every bedroom shall have access to at least one bathroom and one toilet room on the same story as the bedroom or on an adjacent story without passing through another bedroom.
 - iv. A kitchen and space not defined as habitable space in this Ordinance shall not be used for sleeping purposes.
 - v. If habitable space other than a kitchen is to be used for sleeping purposes, then that habitable space shall have a minimum square footage equal to the minimum area required for that habitable space plus the area required for a bedroom with the number of occupants intending to sleep in the habitable space.
- All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.
- A dwelling unit to be occupied by 3-5 tenants shall comply with both of the following additional requirements:
 - i. The dwelling unit shall have a living room no less than 120 square feet and a dining room of no less than 80 square feet. A dwelling unit with combined living room and dining room spaces shall have no less than 200 square feet and shall be located within the dwelling unit so as to function as a combination living room / dining room.
 - ii. The operator shall provide no less than two (2) off-street parking

spaces on the same property as the dwelling unit.

- A dwelling unit to be occupied by 6 or more tenants shall comply with both of the following additional requirements:
 - i. The dwelling unit shall have a living room no less than 150 square feet and a dining room of no less than 100 square feet. A dwelling unit with combined living room and dining room spaces shall have no less than 250 square feet and shall be located within the dwelling unit so as to function as a combination living room / dining room.
 - ii. The operator shall provide no less than two (2) off-street parking spaces for the first 6 occupants, and one (1) additional off-street parking space for each 4 additional occupants. All off-street parking spaces shall be located on the same property as the dwelling unit.

b. An efficiency dwelling unit shall comply with all of the following requirements:

- No more than two (2) tenants shall occupy the dwelling.
- The dwelling shall have habitable space of no less than 220 square feet.
- The dwelling shall contain a kitchen that includes a sink, cooking appliance, and refrigeration appliance each having a clear working space of not less than 30 inches in front.
- The dwelling unit shall contain no less than one (1) bathroom.

c. Conditions.

The Zoning Administrator may impose reasonable conditions which are reasonably necessary to ensure compliance with the standards for approval provided in part 2, above. (See page III-17)

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

The Short Term Rental shall provide smoke and carbon monoxide detectors and fire extinguishers as prescribed by the Fire Department.

d. Nuisance

A violation of these provisions is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

Sec. 3.28 Hotels, Motels, and Resorts - (Ten or More Units)

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

Qualifying Conditions:

1. Minimum Floor Area: Each guest unit shall contain not less than two hundred fifty (250) square feet of floor area.
2. Maximum Lot Coverage: All buildings, including accessory buildings, shall not occupy more than fifty percent (50%) of the net area within property lines.
3. Minimum Yard Dimensions: All buildings shall meet setback requirements.
4. Maximum Building Height: The maximum building height shall be two (2) stories, but not to exceed twenty-eight (28) feet.
5. Site Screening: The site may be enclosed by open structure wood or wire fences along any yard line, but shall not exceed six (6) feet in height. Shrubs and/or trees may be used to screen alone or in combination with structural screens. No screening shall in any way impair safe vertical or horizontal site distance for any moving vehicle. Screening at least four (4) feet high shall be erected to prevent headlight glare from shining on adjacent property.
6. No lighting shall have a source of illumination or light lenses visible outside the property line of the parcel or lot, and shall in no way impair safe movement of traffic on any street or highway.
7. Accessory Uses: Uses such as swimming pools and other outdoor recreational uses, meeting rooms, restaurants, taverns or bars, and a caretaker or proprietor's residence shall be permitted provided that these uses are located on the same site as the principle use to which they are accessory. Appropriate permits shall have been obtained from regulating county or state agencies.

8. Well and Septic System: Proof of acceptability of the well and septic system by the Health Department shall be supplied by owner.

9. A floor plan drawn to a scale of not less than 1/8" = 1', shall be on file with the appropriate fire department.

Sec. 3.29 Institutional Structures - Authorization: The Township Planning Commission may authorize the construction, maintenance and operation. Such institutional uses are limited to the following:

A. Religious Institutions: Churches or similar places of worship, convents, parsonages and parish houses, and other housing for clergy.

B. Educational and Social Institutions: Public and private schools, auditoriums and other places of assembly, and centers for social activities.

C. Public Buildings: Publicly owned and operated buildings and public utility buildings and structures.

D. Human Care Institutions: Hospitals, sanitariums, nursing or convalescent homes and homes for the aged.

E. Animal Care Institutions: Veterinarian offices, laboratories and boarding facilities for large and small animals shall comply with Article III and:

1. Be designed to be compatible and appropriate in scale and character with existing or planned surrounding developments.

2. Have entrance and exit drives directly onto a county road or state highway.

3. Have lighting designed to be unobtrusive to neighboring properties.

4. Structures of other than residential scale shall observe a one hundred (100) foot setback from residential uses.

Sec. 3.30 Livestock and Pets - The following shall apply to the keeping of animals and livestock:

A. The raising or keeping of small animals such as rabbits, poultry, goats and sheep shall not occur on a lot or parcel of less than one (1) acre. The raising or keeping of livestock such as cattle, horses and hogs, shall not occur on a parcel of land less than two and one-half (2 ½) acres in area.

B. The carrying out of such practices shall not generate any noise, odor, pollution or other environmental impact which will have an adverse effect on adjacent properties.

C. No storage or unusual accumulation of manure or odor or dust-producing materials shall be permitted within one hundred (100) feet of any property line.

D. No building or storage of mechanical equipment for agricultural purposes or housing of animals shall be permitted closer than one hundred (100) feet of any property line.

Sec. 3.31 Lot and Yard Area Requirement Exceptions Lot Area and Widths – On a lot of record, the Zoning Administrator is authorized to waive the minimum lot size and width at the building line requirements, provided that the intended structure is in full compliance with all other requirements of this Ordinance.

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

Existing structures – where a structure already exists on a parcel and it is nearer a front or a rear lot line than the setback required for that district, the Zoning Administrator is authorized to issue a land use permit to expand said structure or erect an accessory building, provided such addition or new construction is not located nearer a front or rear lot line than the existing structure and will not cause a threat to wetlands or water or cause a significant health or safety hazard.

Sec. 3.32 Marinas and Canoe Liveries -

A. All sites shall be located on a major thoroughfare and all ingress and egress to the site shall be from said thoroughfare.

B. All points of entrance or exit for motor vehicles shall be located no closer than one hundred (100) feet from the intersection of any two (2) streets or highways.

C. Whenever any use permitted herein abuts property within any Residential District, a transition strip at least one hundred (100) feet in width shall be provided between all operations and structures, and the residential property. Plant materials, grass and structural screens or fences of an approved type shall be placed within said transition strip.

D. A minimum yard of one hundred (100) feet shall separate all uses and operations permitted herein, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with approved plans.

Section 3.33 Mass Gatherings

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.

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

A. The Township recognizes that from time to time organized outdoor events of a short duration of not more than seven (7) days will need to be accommodated within the Township.

A person shall not be a sponsor, conduct or maintain, promote or permit a mass gathering in the Township without first obtaining approval of a special land use for each such mass gathering as specified in Article XII, Special Land Uses and Article XI, Section 11.4B, Site Plan Review.

B. In addition to other application requirements specified in this Ordinance, a sponsor of a proposed mass gathering shall provide the following information with his or her application for special land use approval for a mass gathering:

- 1) A description of the kind, character and type of mass gathering proposed, including the anticipated number of persons who will be attending the mass gathering each day.
- 2) The date(s) and estimated hours of the proposed mass gathering.
- 3) The location and size of the parcel on which the proposed mass gathering will be held, including a written statement from the property owner consenting to the use of his or her property for the proposed mass gathering.
- 4) A written statement(s) that indicates how the sponsor will provide for the following services and conditions:
 - a. Police and fire protection.
 - b. Medical facilities and services, including emergency vehicles.
 - c. Food and water supply facilities.
 - d. Health and sanitation facilities.
 - e. Vehicle access and parking facilities.

f. Cleanup and waste disposal.

g. Noise control measures.

h. Arrangements that have been made to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the cleanup of the property and proper disposal of waste from the site.

C. In addition to complying with the standards for special land use approval specified in Article XII, and the standards for site plan approval specified in Article XI, Section 11.4B, an application for a mass gathering shall comply with the following specific standards:

- 1) The proposed mass gathering shall not place demands on fire, police, emergency medical services, or other public resources in excess of current capacity.
- 2) The entertainment activities of the proposed mass gathering shall not be conducted on the property later than 1:00 a.m. each day.
- 3) The proposed mass gathering shall be adequately served by public or private streets, and the site of the proposed mass gathering shall have adequate off-street parking for the size of the mass gathering anticipated.
- 4) The proposed mass gathering shall be served by food and water supply facilities that are adequate for the size and duration of the mass gathering anticipated.
- 5) The proposed mass gathering may be served by sewer or portable sanitation facilities and refuse collection and disposal services that are adequate for the size and duration of the mass gathering anticipated.
- 6) The sponsor of the proposed mass gathering shall provide for the cleanup of the parcel on which the proposed mass gathering will be located and shall provide for the proper disposal of all portable sanitation facilities and refuse from the site of the proposed mass gathering.
- 7) The proposed mass gathering shall not involve activities, processes, materials, or equipment that will create a substantially negative impact on properties in the area by reason of litter, noise, smoke, odors, or other nuisance conditions.

D. Application Fee:

Each application shall be accompanied by a non-refundable fee in an amount established from time to time by the Township Board.

E. Action on Application:

Upon receiving a complete application and the appropriate fee, the Planning Commission will process the application as a Special Land Use.

Sec. 3.34 Maximum Size of Accessory Structures The total ground level gross square footage of all accessory structures on any single residential lot or parcel shall not exceed the first floor gross square footage of the principal residence on such lot or parcel exclusive of attached accessory structures.

Section 3.35 Mineral Extraction:

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

Earth Removal, Quarrying, Gravel Processing, Mining and Related Mineral Extraction Businesses may be considered in any zoning district as a Special Use, following the requirements of Article III, Section 3.35, and Article XII, Special Land Uses.

In addition to the Standards for Decisions specified in Article XII, Sections 12.4 and Article XI, Section 11.4, part D, Criteria for Review, the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in the Zoning Ordinance or in any other ordinance controlling such operations.

A. Location

1. All such operations shall be located on a primary road, as defined by Benzie County, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
2. No such excavation operation shall be permitted closer than 150 feet to interior boundary lines of the property or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition,

such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly affected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Commission and adequate lateral support as set forth shall at all times be maintained.

3. No excavation operation shall be permitted within 50 feet of adjoining public and private roads except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way, or topsoil removal. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
4. The permanent processing plant and its accessory structures shall not be located closer that 250 feet from the interior property lines and adjoining public or private rights-of-ways and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials, and to the location of transportation equipment.
5. No such excavation operation shall be located within one hundred (100) feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties. Greenbelt provisions shall be complied with as provided in Article III, Section 3.18, Environmental Provisions.

B. Site Barriers

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

1. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six(6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to three feet horizontal and shall be planted with grass, trees or shrubs.
2. Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in

height at maturity sufficiently spaced to provide effective sight barriers when six (6) feet in height.

3. Masonry walls or attractive solid fences made of uniform new materials constructed to a height of not less than six (6) feet and maintained in good repair.

C. Nuisance Abatement

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

D. Reclamation of Mined Areas or Excavated Areas

1. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
2. The following standards shall control reclamation and rehabilitation:
 - a. All excavation shall be either to a water-producing depth of not less than

five (5) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids to insure:

- i. That the excavated areas shall not collect stagnant water and not permit the same to remain therein; or,
 - ii. That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
- b. The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope that shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - c. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.
 - d. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
 - e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
 - f. A performance bond or cash shall be furnished to the Township Clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall be not less than \$4,000 per acre proposed to be mined or excavated in the following twelve (12) months' period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this ordinance and the applicant's filed plan.

3. Submission of Operational and Reclamation Plans

- a. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of this ordinance, or the manner in which compliance will be secured by the applicant.

Such plans shall include, among other things, the following:

1. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property shall be included on the map.
2. The number of acres and the location of the same proposed to be operated upon within the following twelve (12) months' period after commencement of operations.
3. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
4. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
5. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site. Said boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the township engineer. The written consent of the owners of adjoining premises and of the Planning Commission shall be required if mining operations shall be closer than specified within the ordinance to the boundaries of the site.
6. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities. Such plan shall be submitted to the County Cooperative Extension Office and to the Soil Conservation District for recommendation to the Planning Commission.

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

b. Hearing

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

Sec 3.36 Mobile Homes It is the purpose of this Section to establish reasonable requirements for mobile homes located outside of licensed mobile home parks to assure that the mobile home, when located upon the particular site, would compare favorably to other housing in such things as aesthetics, insulation, adequacy of plumbing, size of living space, protection from wind storm damage, quality of manufacture, a solid foundation under the same, obscurity of the wheels and chassis and a community standard size lot.

A. A mobile home must also comply with the minimum dimensional requirements established in Sections 3.16 and 3.17.

B. Zoning in which mobile homes are permitted: Mobile Homes shall be permitted in all residential zoning districts subject to the provisions and requirements hereafter set forth.

Qualifying Conditions:

1. Each mobile home shall bear a label required by Section 3232.362(c) (2) of the Federal Mobile Home Procedural and Enforcement Regulations.(HUD SEAL)
2. Each mobile home shall be installed pursuant to the manufacturer's setup instruction and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.

3. Within ten (10) days following installation, all towing mechanisms shall be removed from each mobile home or concealed or disguised from view. No mobile home shall have any exposed undercarriage or chassis.

4. Each mobile home shall have footings and a permanent perimeter wall of conventional building materials which shall prevent the entrance of rodents, control heat loss and contribute to aesthetic compatibility with surrounding structures.

5. All construction and all plumbing, electrical apparatus and insulation, within and connected to each mobile home, shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards: as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as from time to time amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

6. Exterior Finish; Light Reflection: Any materials that are generally acceptable for housing built on the site may be used for exterior finish if applied in such a manner as to be similar in appearance; provided, however, that reflection from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel.

7. Each mobile home shall be aesthetically compatible in design and appearance with other residences, particularly with regard to foundation treatment, siding and roofing materials and perimeter walls. Compatible materials such as siding, screen walls, etc. may be added.

Sec. 3.37 Mobile Home Parks / Manufactured Housing Communities

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

Sec. 3.38 Model Homes - Model homes, provided the home and landscaping is completed as if it were to be occupied; is located so as not to create any unsafe conditions, noise, light, traffic or other nuisance to neighboring residential uses; is used for the purpose of selling homes within the immediate subdivision or subdivisions; is open only during normal real estate sales hours; and the duration of use does not exceed one (1) year, unless approved by the Board of Appeals. One (1) sign shall be allowed, meeting the specification as set forth in Article III. There shall be no banners, flags, lighting or other devices used to attract attention or set the model apart from other residential structures in the development. No cooking or sleeping shall be permitted in the Model Home until it is converted to residential use.

Sec. 3.39 Non-Commercial Storage Buildings Non-Commercial storage buildings used for non-commercial activities shall be allowed in the R-2 and C-1 Districts without the presence of a principal use provided they meet all of the applicable requirements of this Ordinance.

Sec. 3.40 Non-conforming Uses and Structures

Intent While it is the intent of this Ordinance to prevent the establishment of new non-conforming situations within the Township, reality dictates that compatible non-conforming uses and structures, which were lawfully established prior to the adoption of this Ordinance, that do not and are likely not to significantly depress the value of nearby property, and which do not pose a threat to public health, safety and welfare of the Township, be allowed to continue under the following conditions:

A. Limitations on Expanding Non-Conforming Situations Any dimensional non-conforming structure or structure devoted to a non-conforming use may be expanded provided the addition is not located nearer a front or rear lot line than the existing structure and will not cause a significant hazard to health or safety.

B. Involuntary Destruction Any dimensional non-conforming structure or any structure devoted to a non-conforming use which is involuntarily destroyed may be restored or reconstructed, provided the same is commenced within one (1) year and completed within the time period the permits are valid.

C. Voluntary Discontinuance –Abandonment of Nonconforming Uses. If a property owner abandons a nonconforming use or structure, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. The owner's intent to abandon or no longer continue the nonconforming use of the land or structure shall be established by a preponderance of the evidence which shall consider the following:

1. Whether utilities have been disconnected.
2. Whether any signs have been removed or have fallen into disrepair.
3. Whether any fixtures within and outside the building have been removed.
4. Whether the property has fallen into disrepair or is considered "blighted."
5. Whether U.S. Mail delivery has been terminated or mail is forwarded to another address.
6. Whether the classification of the property for tax purposes has been changed to reflect another use.
7. Whether any license associated with the use has expired.

8. Whether there are any other similar changes to the nonconforming structure or use.

Action to determine if a nonconforming use was intended to be discontinued by the owner may be delayed if any of the following is ongoing:

1. Ownership or possession of the property is the subject of a pending Probate Court proceeding;
2. The property is the subject of an Insurance settlement dispute; or
3. The property is the subject of an ongoing criminal investigation.

D. Restriction of Change Whenever a non-conforming use has been changed to a use which is in greater conformity with the provision of the district in which it is located, and has remained as such for one (1) year, such use shall not thereafter be changed back to the former non-conforming use or to a use less in conformity with the provisions of this Ordinance.

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

Section 3.41 Parking and Loading Regulations

Requirements: There shall be provided in all Districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The proper number of parking spaces for any given use shall be based upon considerations of the maximum number of motor vehicles that can be expected on the premises at the same time during an average day.

Sec. 3.42 Permit Compliance Surety The Planning Commission or Township Board may require a surety bond, cash bond, performance bond or irrevocable bank letter of credit be posted to ensure compliance with provisions of site plan approvals, Special Land Use Permits or Planned Unit Developments.

Sec. 3.43 Planned Residential Developments - Open Space Preservation

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

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

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

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

B. Access -All access to the interior roads of the proposed development and the development itself shall not create or use more than two (2) curb cuts to a public road, unless approved by the Benzie County Road Commission or the Michigan Department of Transportation District Manager. Access shall meet all standards set forth by the Benzie County Road Commission and the Michigan Department of Transportation.

If the interior access to serve dwelling units is to be by private road, such access shall meet all of the requirements of the private road standards and regulations of the Township as outlined in Article III of this ordinance.

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

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

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

1. Title to open space is held in common ownership by the owners of all units/lots in the Open Space Development.
2. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of a Land Use Permit.

Sec. 3.44 Pre-Application Conference It is recommended that, before any extensive site design or related work is conducted on any major development, the developer confer in a meeting with the Zoning Administrator and/or planning commission to receive guidance regarding land development regulations, the township's land use plan, and the application process. A sketch plan containing enough information so that an accurate analysis can be made shall be presented to the Zoning Administrator and/or Planning Commission prior to the meeting.

Section 3.45 Private Roads

A. Purpose

The Township has determined that as tracts and parcels of land are divided, sold, transferred, and developed, private roads are being created to provide access to the newly created properties which are not subject to regulation under the Land Division Act, as amended, or other State regulations. The Township determines it is in the best interest of public health, safety, and welfare to regulate the construction and improvement, extension, relocation, and use of private roads to assure that:

1. Private roads are designed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, and police, fire, ambulance, and other safety vehicles.
2. Private roads are constructed of suitable materials to ensure minimal maintenance and safe passage.
3. Private roads will be constructed so as to protect against or minimize soil erosion to prevent damage to lakes, streams, wetlands, and natural environment of the Townships.
4. Private roads appropriately serve the properties and individuals they are intended to serve.

B. Private Roads Permitted

Private roads are permitted provided they conform to the requirements of this Section.

C. Exceptions

Exceptions are as set forth in paragraph D-1 below, all parcels of land or lots created by a land division, platted subdivision, and site condominium units must front on a public or private road which meets this Ordinance requirements and a land use and or zoning permit for a structure or building shall not be issued until a final road permit has been issued by the Zoning Administrator.

D. General Private Road Requirements

1. The provisions of this Section shall only apply to a new private road or private drive which provides access to five (5) or more existing or proposed lots or parcels and all site condominium units.
2. After the effective date of this Ordinance, a private road shall not be constructed, extended, or relocated, except in accordance with the minimum standards and requirements of this Ordinance. If an existing private road is proposed to be extended, the entire private road shall comply with the standards of this Ordinance.
3. The provisions of this Ordinance shall not apply to access roads internal to any individual lot, parcel, or tract of land which has direct frontage access and is under the control of one person, firm, corporation, association, or other entity provided that the access road does not provide access to any abutting lot, parcel, or tract of land.

E. Private Roads

All private roads constructed in the Township shall be located within either private dedicated right of way or a permanent right-of- way easement duly recorded with the Benzie County Register of Deeds, and shall have an overhead clearance of sixteen (16) feet.

F. Private Road Easements

All private roads shall meet the requirements established for easements as defined in Article II, unless additional right-of- way is required for adequate construction, and shall have an overhead clearance of sixteen (16) feet.

G. Dead-ends and Cul-de-Sacs

At any dead-end or cul-de-sac, the easement shall widen to a minimum radius of ninety (90) feet and an overhead clearance of sixteen feet (16 ‘) and shall otherwise meet the access requirements of the appropriate Fire Department.

H. Construction Standards and Road Geometrics

Except as otherwise provided in this Ordinance, the creation of a road that serves a division of land, subdivision, or site condominium development consisting of one or more principal buildings, other than a subdivision as defined by the Land Division Act, as amended, shall meet or exceed the cross-sectional construction standards established by the Benzie County Road Commission for all public roads.

I. Zoning Board of Appeals

The Zoning Board of Appeals, pursuant to the Michigan Zoning Enabling Act (Act 110 of 2006, as amended) may grant a variance of the above stated construction standards, road geometrics, or design standards in this Section based on the following standards:

1. Whether anticipated traffic flows will overburden the proposed roadway design.
2. If any unusual topographic conditions will constrain the roadway design.
3. To what extent roadway design will preserve natural features on the site.
4. Whether a stub road connection would be created.
5. Whether or not the proposed roadway should be constructed with curb and gutter drainage structures.

J. Roadway Surface

All private roadway surfaces shall be developed with a minimum width of twenty four (24) feet and shall be located within the established right-of-way.

K. Dedication of Rights-of-Way or Easements

While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-way or easements. All plans, as submitted for approval, must show the private road easement including a legal description, and must include the grades for these roads.

L. Connection to County Roads

Construction authorization from the Benzie County Road Commission is required for connection to a County road. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation portion of PA 451 of 1994, part 91, as amended.

M. Cul-de-sacs

Cul-de-sacs shall meet or exceed the Benzie County Road Commission cross-section specifications and:

1. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available building envelope, lot or parcel within the development and that building envelope, lot or parcel fronts on the cul-de-sac.
2. Frontage measurements along the cul-de-sac shall be measured at the front setback line and at right angles to the lot depth.
3. Not more than four (4) dwelling units or structures shall have frontage on a cul-de-sac.

N. Maximum Number of Principal Single Family dwellings or Parcels of Land Served

No more than twenty five (25) dwellings or parcels of land may be served by a single private road if only one (1) point of intersection is provided between a private road and a public road. No more than seventy five (75) dwellings or parcels of land may be served by a private road where two or more points of intersection are provided between a private road or roads and public roads. Where more than seventy five (75) dwelling units or parcels of land are served, the road shall be a paved street built to full Benzie County Road Commission standards.

O. Road Construction Application

Application for road construction shall be made at the same time as application for land division, if applicable, and at least thirty (30) days prior to the meeting date for which the applicant requests consideration. Prior to approval by the Planning Commission, the applicant shall prepare and provide six (6) sets of a general property development site plan complying with the requirements for major site plan review and approval pursuant to the requirements found in Article XI of this Ordinance. The following additional information shall be submitted:

1. An application for approval of a joint road maintenance and easement agreement shall be made to the Zoning Administrator at the same time as application for land division, if a private road is required under this Section. Such application shall include a proposed road maintenance and easement agreement signed by the private road proprietor(s) to be recorded with the Township Clerk and the Benzie County Register of Deeds that contains the following provisions:
 - a. A method of initiating and financing of such road construction and maintenance in order to keep the road up to properly engineered specifications and free of snow or debris.
 - b. A workable method of apportioning the costs of maintenance and improvements to current and future users.
 - c. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the established Township Road Standards for private roads and assess the owners of the parcels on the private road for the improvements.
 - d. A notice that no public funds of the Township are to be used to build, repair, or maintain the private road and the Township has no responsibility for the maintenance or upkeep of the road.
 - e. The United States Postal Service and the local school district are not

required to traverse this private improvement and may provide service only to the closest public access. (Maintenance of Private Roads Act, PA 139 of 1972, as amended.) All conditions and requirements concerning public roads shall be deemed the same for private roads, i.e., location on a public road, setbacks (front yard measured from the property line), etc.

- f. Majority vote rules regarding road maintenance and improvement decisions.
 - g. The owner of each parcel will be responsible for payment of the share of costs apportioned to his or her parcel.
 - h. The owners shall have standing and the right to commence legal or equitable action against a delinquent parcel owner or parcel owners to foreclose a lien or otherwise collect the sums owed.
 - i. The agreement shall be recorded and shall run with the land and bind and benefit the parcels, and the owners thereof, in perpetuity.
 - j. The owner or owners of the land served by the road shall provide for the requirement to grade, drain, and otherwise maintain the private road in accordance with the requirements of the Ordinance.
 - k. Easements to the public for purposes of emergency and other public vehicles and whatever public utility services are necessary.
 - l. The owners of any and all property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties or having a need to use the road.
2. The proposed road maintenance and easement agreement shall be sent to the Township Attorney for review and approval. All associated costs shall be borne by the applicant.
 3. The Zoning Administrator shall approve the road maintenance and easement agreement if the information and agreements required by this Section have been met by the applicant. Following approval, the road maintenance and easement agreement shall be recorded with the Benzie County Register of Deeds.

P. Application

Approval Process for Preliminary and Final Road Construction Permit:

1. After the Zoning Administrator has approved the road maintenance and easement agreement required by Section 3.45-O-1, an application for road construction may be made at least 30 days prior to the meeting date for which the applicant requests consideration.
2. Prior to approval by the Planning Commission, the applicant shall prepare and provide six (6) sets of a general site plan complying with the requirements for site plan review and approval pursuant to the requirements found in Article XI of this Ordinance. A site plan for the private road shall be submitted to the Zoning Administrator. The Zoning Administrator may submit the private road site plan to the Benzie County Road Commission and the Township Engineer for review and comment.
3. The recommendations of the Road Commission and the Township Engineer shall be forwarded to the Planning Commission, who shall be responsible for granting approval for the private road application.
4. The Planning Commission shall approve a private road application if it finds that all of the applicable requirements of this Section have been met. If the private road application is approved by the Planning Commission, preliminary construction permit will be issued by the Zoning Administrator. If the application is rejected, the reasons for the rejection and any requirements for approval will be given in writing to the applicant.
5. The applicant will arrange for timely inspections by the Township Engineer during construction of, and upon completion of the private road. Such costs shall be borne by the applicant.
6. The final road permit shall be issued by the Zoning Administrator after the private road has been constructed and certification has been made by the Township Engineer that the road has been built according to the site plan and the requirements of this Ordinance.

Q. Failure to Perform

Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made by the Benzie County Road Commission or the Township in its standards and specifications for road construction and development. The private road shall be completed within one and one-half (1-1/2) years.

R. Posting of Private Roads

All private roads shall be designated as such and shall be clearly posted with a clearly readable name which can be easily seen in an emergency. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer. The developer shall check with the Benzie County Road Commission to avoid a duplicate of names and the Road Commission shall give approval of the same.

S. Private Drives

Private Drives serving three (3) to nine (9) dwellings and /or parcels are not required to comply with the established standards for a private road. All private drives shall have a road surface of not less than twenty four feet in width, and shall have signs posted at all access points from a public road, clearly stating the name and "Private Drive, not maintained by Township or County". All private drives shall be recorded with the Benzie County Register of Deeds and with the Township.

T. Private Drives / Land Divisions

In the event any divisions of land are made such that a formally designated private drive will serve an additional tenth (10th) dwelling unit or parcel, then the portion of the private drive between the new dwelling unit or parcel and the public road shall be required to comply with the Private Road provisions of this section. The costs of upgrading the private drive to a private road shall be the responsibility of the party creating the tenth (10th) parcel accessing the drive.

Sec. 3.46 Prohibited Uses No building or structure or part thereof shall be erected, altered or used, or land used, in whole or in part, for any use, process or activity resulting in the emission of odor, fumes, dust, smoke, waste, noise or vibration, light encroachment, accumulation of trash or other unsightly conditions which shall make it obnoxious to the public interest, health or welfare, or is not specifically permitted by the terms of this Ordinance.

Sec. 3.47 Residential Uses in the C-1 Commercial District

A. Statement of Intent:

Modern commercial development is often of such a character that the inclusion of some limited residential units directly associated with the commercial use may be deemed as either desirable, or in some cases, necessary. Under these conditions, a Special Land Use Permit may be issued for the construction and occupancy of such units provided the standards, procedures and requirements set forth in this Section can be complied with.

B. A Special Land Use Permit For Such May Be Issued Providing:

Floor space used for residential purposes shall be subtracted from allowable commercial space.

Residential units shall have separate services including water, sewer, electric, etc. from commercial uses.

Units shall be designated for occupancy of owner or tenant, or their employees.

Sec. 3.48 Sewage Treatment and Disposal

A. All uses shall be established, operated and maintained in accordance with all applicable State of Michigan statutes.

B. All operations shall be completely enclosed by a wire link fence not less than six (6) feet high.

C. All operations and structures shall be surrounded on all sides by a transition strip at least two hundred (200) feet in width within which grass, plant materials and structural screens shall be placed to minimize the appearance and odors of the installation. The Planning Commission shall approve all treatment of transition strips.

Sec. 3.49 Signs

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

A. One identification sign of not more than twenty-four (24) square feet may be erected on the premises as a part of any business or activity actively conducted thereon in any district, except that signs relating to home occupations shall be not more than eight (8) square feet.

B. No business or person may erect in the Township a flashing lighted sign that blinks on and off, rotates, flashes or otherwise draws attention to the sign by means of the movement of an artificial light source.

C. Attractively designed groups of directional signs not more than four (4) square feet in area may be placed on property regardless of zone, at highway intersections. Such

groups of signs shall be subject to the approval of the Zoning Administrator and the County Road Commission.

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

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

1. One (1) sign not exceeding eight (8) square feet in sign face area that is customarily associated with residential use and that is not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs such as 4-H Clubs group memberships or centennial farm signs.
- 2.. Signs not exceeding four (4) square feet in sign face on mailboxes or newspaper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
3. Signs erected by or on behalf of/or pursuant to the authorization of a governmental body, including legal notices, identification, and information signs, including historical markers, traffic, directional, and regulatory signs.
- 4.. Official signs of a non-commercial nature erected by public utilities.
5. Flags, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising service.
6. Integral decorative or architectural features of buildings or works of art, so long as such features or works of art do not contain letters, trademarks, moving parts, or lights.
7. Signs directing and guiding traffic on private property that do not exceed four (4) square feet each and that bear no advertising matter.
8. Informational signs not exceeding one (1) square foot in sign face.
9. A total of two (2) banners, one (1) banner and one (1) commercial advertising flag, or two (2) commercial advertising flags, each such banner or commercial advertising flag not to exceed twenty-four (24) square feet in sign face, used to attract attention to a community activity or event (Also see part F).

10. Street name signs located in accord with County Road Commission standards at street intersections, not to exceed one (1) square foot in sign face.

F. Temporary Signs: Permit Exemptions

1. The following temporary signs, related to temporary land uses, are permitted without a land use permit. However, such signs shall conform to the requirements set forth herein as well as all other applicable requirements of this Section.

a.. Real estate signs: Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Not more than one such sign shall be erected per site, shall not exceed six (6) square feet in sign face area, and shall be removed within ten (10) days after sale, lease or rental.

b. Construction site identification signs: Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information including, but not limited to, sale or leasing information. Not more than an accumulative total of thirty-two (32) square feet in sign face area, shall be erected.

c. Political Signs: Signs erected in connection with elections or political campaigns. Such signs shall be removed within two (2) days following the election or conclusion of the campaign. No such sign may exceed four (4) square feet in sign face area.

d. Special temporary event signs: One sign not exceeding twenty-four (24) square feet in sign face indicating a special temporary event such as a carnival, circus, festival or similar event, placed on the lot where the activity is to take place. Such signs may be erected no sooner than two (2) weeks before the event and must be removed no later than three (3) days after the event.

e. Seasonal commodity signs: Seasonal commodity signs shall not have a total sign face greater than fifty-two (52) square feet, of which not more than twenty (20) square feet may be on premises and not more than thirty-two (32) square feet may be off-premise.

f. Yard sale signs or other similar temporary activity signs not covered in the foregoing categories, so long as such signs meet the following restrictions:

Not more than one (1) such sign may be located on any lot. No such sign may exceed four (4) square feet in surface area. Such signs shall be erected not more than three (3) days prior to the event and shall be removed immediately following the event.

2.. Other temporary signs, not listed in subsection (1), shall be regarded and treated in all respects as permanent signs.

G. Determining the Number of Signs

1. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

2. A two-sided or multi-sided sign shall be regarded as one (1) sign so long as:

a.. With respect to a V-type sign, the two (2) sides are at no point separated by a distance that exceed five (5) feet; and

b.. With respect to double faced (back to back) signs, the distance between the backs of each face of the sign does not exceed three (3) feet.

Sec. 3.50 Site Condominium Subdivision Plan

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

A. The overall density of the condominium project shall not be higher than the underlying zoning district allows. The total acreage of the project, divided by the minimum lot size of the underlying zoning district, equals the number of building sites permitted. Compliance with required front, side and rear yards, shall be determined by measuring the distance from the equivalent front, side or rear yard boundaries of the building site to the closest respective front, side or rear boundary of the building footprint or envelope.

B. All dedicated public roadways in site condominium subdivisions shall meet the requirements of the Benzie County Road Commission's standards for roads.

C. Preliminary Site Condominium Subdivision Plan: All site condominium subdivisions shall require preliminary site condominium development plan approval by the Planning Commission prior to conducting any on-site improvements.

D. Six (6) copies of the preliminary site condominium subdivision plan and other required documentation shall be submitted to the Zoning Administrator at least twenty (20) days before a meeting of the Planning Commission. The Planning Commission shall study the plan and shall either approve or disapprove the preliminary plan. The

information and drawings must be clearly marked “Preliminary Site Condominium Subdivision Plan.”

E. Any changes in the preliminary site condominium subdivision plan, once it has been approved, must be submitted to the Planning Commission for approval in compliance with this section.

F. The following information shall be included in the preliminary condominium development plan:

1. A site plan in accordance with Article XI.
2. A site condominium subdivision plan in accordance with the requirements of Section 66 of the Condominium Act, P.S. 59 of 1978.
3. Documented proof of review by the Benzie County Road Commission, the Benzie County Health Department, the Michigan Department of Transportation, the Michigan Department of Natural Resources and Environment (MDNRE).

G. In it’s review of the preliminary site condominium development plan, the Planning Commission may consult with the Zoning Administrator, an Attorney, Engineer, Fire Chief, Planner, or other appropriate officials and persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed project. Any costs incurred will be charged to the applicant.

H. Approval of the preliminary site condominium development plan shall authorize the construction of necessary site improvements. Construction of buildings and structures shall not be permitted until a final site condominium subdivision plan has been approved by the Planning Commission.

I. Final Site Condominium Subdivision Plan: Six (6) copies of the final site condominium subdivision plan (“as-built”) and other required documentation shall be submitted to the Zoning Administrator who shall study the plan and shall either approve or disapprove the final site condominium subdivision plan. The information and drawings must be clearly marked “Final Site Condominium Subdivision Plan.”

J. No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site condominium subdivision plan as approved by the Planning Commission, including any conditions of approval and other applicable requirements of local, state, or federal laws and regulations.

K. No building permits shall be issued for a site condominium project until a final site condominium subdivision plan has been approved by the Planning Commission, all conditions to commencement of construction imposed by the Planning Commission have

been met, and all applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.

L. Final Approval: The Township Clerk shall be furnished with a copy of the recorded master deed, as defined in Section 8 of the Condominium Act prior to the issuance of any building permits. The master deed must ensure that the township will not be responsible for maintenance or liability of the non-dedicated portions of the subdivision, that all private roads will be properly maintained, that snow removal will be provided, and that there is adequate access and set up area for emergency vehicles. Responsibility for the maintenance of stormwater retention areas, drainage easements, drainage structures, lawn cutting, and other general maintenance of common areas must be clearly stated in the recorded master deed.

M. Approval of the final site condominium subdivision plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission in compliance with the procedures, standards, and requirements of this section.

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

Sec. 3.51 Structure Setbacks

No portion of any structure or freestanding sign may be located closer to any lot line than is authorized in the District provisions and Table of Dimensional Requirements.

A. If the road right-of-way line is readily determinable (by reference to a recorded survey and set irons), the setback shall be measured from such right-of-way line. If the road line is not so determinable the setback shall be measured from the access centerline of the traveled surface of the roadway.

B. Setback distances shall be measured in accordance with (a) above to a point on the lot that is nearest the extension of any part of the structure unless otherwise provided in this Ordinance.

Sec. 3.52 Swimming Pools - Swimming pools shall be permitted as an accessory use, in any residential district, subject to the following restrictions:

1. Private pools shall meet required yard setbacks,
2. There shall be a distance of not less than six (6) feet between the outside pool wall and any building located on the same lot,

3. For the protection of the general public, swimming pools shall be completely enclosed by a fence not less than four (4) feet in height capable of excluding children and small animals, and containing gates of a self-closing or latching type. Gates shall be capable of being securely locked when the pool is not in use.

Sec. 3.53 Use of Open Space

No open yard surrounding a dwelling, or structure used for dwelling purposes, may be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second hand building materials or other discarded, abandoned or rubbish-like materials or structures.

The location, parking or storage of recreational vehicles shall be allowed on a lot used for a dwelling, provided, wherever possible, such location, parking, or storage is not in the front yard nor in the setback areas required for structures in the side and rear yards.

No outdoor storage or parking of vehicles or trucks, over one (1) ton rated capacity, or similar heavy equipment or construction equipment, shall be permitted in a yard or on a lot other than for the temporary parking of trucks or equipment engaged in construction on the site or being used for temporary pickup or delivery purposes.

Sec. 3.54 Vacated Streets

Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation.

Sec. 3.55 Visibility At Intersection

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

Sec. 3.56 Warehousing, Commercial Storage

A. Enclosed buildings: Activities shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors, provided that within three-hundred (300) feet of any residential use, all storage shall be in completely enclosed buildings. All outdoor storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates, such fence or wall shall be at least eight (8) feet in height, but in no case shall the fence be lower than the enclosed storage. Such storage shall not be deemed to include the parking of licensed motor vehicles under one (1) ton rated capacity.

B. Noise emanating from a use in this district shall not exceed the level of ordinary conversation at the boundaries of the lot. Noise may equal but shall not exceed average street traffic noise. Uses in this district shall conform to the following standards:

1. Emit no obnoxious, toxic or corrosive fumes or gases which are harmful to the public health, safety or general welfare, except for those produced by internal combustion engines under designed operating conditions.
2. Emit no smoke, odorous gases, or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel.
3. Discharge into the air no dust or other particulate matter.
4. Shall use only shielded lighting which will not shine beyond the lot boundaries.

C. Yards in this district shall conform to the following standards:

Except for landscape improvements and necessary drives and walks, the front yard shall remain clear and shall not be used for parking, loading, or accessory structures. Side and rear yards, except for a strip along the lot boundary ten (10) feet in width, may be used for parking and loading but not for storage.

Section 3.57 Wind Energy Conversion Systems (WECS)

The purpose of this Section is to establish guidelines or siting WECS. The goals are:

1. To enable the safe, effective and efficient use of WECS to generate electricity.
2. To preserve and protect public health, safety, welfare and quality of life by minimizing adverse impacts of a WECS.
3. To establish standards and procedures by which the siting, installation, operation and maintenance of a WECS shall be governed.

A. Applicability: This Ordinance applies to all WECS proposed to be constructed after the effective date of this Ordinance.

B. Temporary Uses: Anemometers:

1. The construction or installation of an anemometer tower shall require a land use permit and shall conform to all applicable local, state, and federal safety, construction, environmental, electrical and communication codes and FAA requirements.

2. An anemometer shall be subject to the minimum requirements for height, setback, location, safety requirements, and the decommissioning that correspond to the size of the WECS that is proposed to be constructed on the site.

3. An anemometer shall be permitted for no more than eighteen (18) months. The Planning Commission may grant an extension of six (6) months to this limit.

C. Regulations and Requirements:

1. Small Household WECS: This type of system shall be considered a use by right in all zoning districts, provided that the applicant obtains a land use permit, any necessary building permits, and that all siting and design requirements for Household WECS can be met.

2. Siting and Design Requirements:

- a. A land use permit and building permit are required.
- b. A Site Plan as specified in Article XI is required.
- c. One household WECS per parcel is allowed in the L/R and R-1 districts if the parcel has an existing dwelling.
- d. A household WECS is not allowed in the front yard setback area.
- e. Setback from any property line is 110 % of the total height of the system.
- f. Setbacks from any existing overhead electrical transmission line shall be documented in writing from the utility company owning the lines.
- g. Noise emanating from the operation of the Household WECS shall not exceed 50 dB(A) measured at the property line.
- h. Color shall be a neutral non-reflective industry standard.
- i. If the system is to be connected to existing utility company lines, written documentation of approval from that company shall be provided.
- j. Any and all Federal, State and local electrical and construction codes pertaining to the system shall be followed.
- k. Applicant shall provide written documentation that the system will not interfere with radio and television transmission and reception, and other communication systems.

- l. No lighting is allowed unless required by the FAA.
- m. Towers with heights up to 100 feet may use guy wires, towers taller than 100 feet shall be free standing.
- n. If guy wires are used to stabilize the tower, they shall be covered with a suitable material from the ground to a height of six feet so as to be noticeable.
- o. Only wind turbines that are UL certified and systems that are certified by a program recognized by the American Wind Energy Association will be allowed.

2. Decommissioning:

- a. If a system is deemed to be non-functional by the Zoning Administrator, the land owner shall have 12 months to either repair the system so that it is functional, or remove the system.
- b. At the time a land use permit is obtained an acceptable plan shall be submitted for removing the system.

3. Large Commercial WECS: This type of system may be allowed only by Special Use Permit in the R-2 Rural Residential District.

a. Siting and design requirements:

- i. "Upwind" turbines shall be the only type allowed.
- ii. One commercial WECS (one tower with one generator) shall be allowed per parcel.
- iii. Color shall be a neutral non-reflective industry standard and shall apply to all structures associated with the system.
- iv. No lighting is allowed unless required by the FAA.
- v. Advertising and/or decorative displays are prohibited on any part of the system.
- vi. Vibration shall not be humanly perceptible beyond the property lines on which the system is located.
- vii. Shadow Flicker shall not exceed 30 hours per year on any occupied building.

The owner and/or operator shall conduct an analysis of potential shadow flicker at all occupied buildings with direct

line-of sight exposure to the system. If analysis determines that shadow flicker may affect any occupants of a building for more than 30 hours per year, and then a plan shall describe measures that the installer will take to eliminate or mitigate the effects.

viii. Guy wires shall not be permitted.

ix. All electrical controls, power lines and electrical system components shall be placed underground (wiring to connect the generator to the tower is exempt)

x. Setback from any property line is 110 % of the total height of the system. Further, setback from any inhabited structure or a structure housing animals, a public or private road shall also be 110% of the total height of the system.

xi. Noise emanating from the operation of the system shall not exceed 50 dB(A) measured at the property line of the parcel where the system is located.

xii. Applicant shall provide written documentation that the system will not interfere with radio and television reception, and other communication systems.

xiii. Written evidence from a qualified individual that the site is feasible for a Large Commercial WECS.

xiv. An access road shall provide access to all parts of the system that meets the private road requirements of Lake Township, at a minimum.

xv. Lake Township reserves the right to consult a third party expert in determining if a requirement is being fulfilled. The cost of any third party fees shall be paid by the applicant to Lake Township prior to the issuance of any land use permit.

b. Permit Application Requirements:

i. Name of the property owner(s), address, and parcel number.

ii. Name and address of owners(s) and operator of the proposed system.

iii. A site plan complying with Article XI of this Ordinance.

- iv. The proposed type of WECS including the manufacturer and model, generating capacity, dimensions of the tower and blades, and drawings or blueprints for the entire system.
- v. Certification from a registered engineer that the rotor and overspeed control have been designed for the proposed use on the proposed site.
- vi. Documented compliance with applicable Federal, State and local regulations including, but not limited to, safety, construction, environmental, electrical, communications and FAA requirements.
- vii. Proof of liability insurance.
- viii. Evidence of an interconnect agreement between the applicant and the utility company the system will provide electricity to.
- ix. A plan for removing the system, which shall give an estimated cost and a method for financing the removal of the system.
- x. Name and telephone number of the contact person(either owner or operator)
- xi. Any other information that the Planning Commission may request.
- xii. Signature of the applicant.

c. Decommissioning:

- i. Within 12 months after a system ceases to operate, as determined by the Zoning Administrator, it shall either begin operation or be completely removed.
- ii. All roads and other improvements made for the system shall be removed and the site restored to its original state and shall meet with the landowners approval.
- iii. All foundations shall be removed to a depth of 60 inches below grade. If any foundation is left after this requirement is met, then it shall be identified on a map and recorded with the deed to the property with the County Register of Deeds.

iv. The site shall be seeded and stabilized to prevent erosion.

4. Wind Farms: Wind Farms may be allowed by Special Use Permit in the R-2 District.

a. Siting and Design Requirements:

i. "Upwind" turbines shall be the only type allowed.

ii. One WECS is allowed per forty (40) acres. The minimum distance between towers is 1,000 feet.

iii. All parcels leased by an applicant shall be considered one unit for the propose of setbacks. Perimeter property line setbacks (i.e. property lines between leased and non-leased parcels) of the unit shall be 110% of the total height of the system. For those leased parcels within the unit, the property line setback shall be fifteen (15) feet.

iv. Setback from any property line is 110 % of the total height of the system. Further, setback from any inhabited structure or a structure housing animals, a public or private road shall also be 110% of the total height of the system.

v. Written evidence from a qualified individual that the unit is feasible site for a Wind Farm.

vi. Guy wires shall not be permitted.

vii. All electrical controls, power lines and electrical system components shall be placed underground (wiring to connect the generator to the tower is exempt).

viii. No lighting is allowed unless required by the FAA.

ix. Advertising and/or decorative displays are prohibited on any part of the system.

x. Vibration shall not be humanly perceptible beyond the property lines on which the Wind Farm is located.

xi. Color shall be a neutral non-reflective industry standard and shall apply to all structures associated with the system.

xii. Shadow Flicker shall not exceed 30 hours per year on any occupied building.

The owner and/or operator shall conduct an analysis of potential shadow flicker at all occupied buildings with direct line-of sight exposure to the system. If analysis determines that shadow flicker may effect any occupants of a building for more than 30 hours per year, then a plan shall describe measures that the installer will take to eliminate or mitigate the effects.

xiii. Noise emanating from the operation of the Wind Farm shall not exceed 50 dB(A) measured at the property line between the unit and non-leased property. If the noise emanating from the operation of a Wind Farm shall exceed 50 dB(A) at any property line within the unit then the applicant shall secure a legal document from the affected property owner/owners giving permission for the noise to exceed 50 dB(A).

xiv. Setback from any existing overhead electrical transmission lines shall be a minimum of 110% of the total height of the system and more if the owner of the existing lines shows a reasonable cause why the distance should be greater.

xv. Applicant shall provide written documentation that the system will not interfere with radio and television reception, and other communication systems.

xvi. . An access road shall provide access to all parts of the Wind Farm system that meets the private road requirements of Lake Township, at a minimum.

xvii. Applicant shall provide avian and wildlife impact analysis that conforms to state and federal wildlife agency recommendations.

xviii. Lake Township reserves the right to consult a third party expert in determining if a requirement is being fulfilled. The cost of any third party fees shall be paid by the applicant to Lake Township prior to the issuance of any land use permit.

b. Permit Application Requirements:

i. List of the property owner(s), address, and parcel numbers of all property leased by the applicant that will make up the unit for the proposed Wind Farm.

ii. Name and address of owners(s)lessee and operator of the proposed Wind Farm.

- iii. A site plan complying with Article XI of this Ordinance.
- iv. The proposed type of WECS including the manufacturer and model, generating capacity, dimensions of the tower and blades, and drawings or blueprints for the entire system.
- v. Certification from a registered engineer that the rotor and overspeed control have been designed for the proposed use on the proposed site.
- vi. Documented compliance with applicable Federal, State and local regulations including, but not limited to, safety, construction, environmental, electrical, communications and FAA requirements.
- vii. Proof of liability insurance.
- viii. Evidence of an interconnect agreement between the applicant and the utility company the system will provide electricity to.
- ix. The phases of construction with a construction schedule timeline and a projected completion date, along with a projected useful life of the wind farm.
- x. A written complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the Wind Farm. The process shall include a time limit for acting on a complaint. It shall not preclude local government from acting on a complaint and shall provide a telephone number where a representative of the project can be reached during normal business hours.
- xi. A plan for removing the system, which shall give an estimated cost and a method for financing the removal of the system.
- xii. Name and telephone number of the contact person (either owner or operator).
- xiii. Any other information that the Planning Commission may request.
- xiv. Signature of the applicant.

c. Decommissioning:

i. If any or all generators do not operate for a period of 120 days, as determined by the Zoning Administrator, the applicant shall have 18 months to bring the non-operating generator or generators into operation or remove the non-operating generator or generators(including the towers and any other physical improvements made to the property.

ii. All roads and other improvements made for the Wind Farm shall be removed and the site restored to its original state and shall meet with the landowner's approval. A landowner may request that a road remain if it was built on his or her property.

iii. All foundations shall be removed to a depth of 60 inches below grade. If any foundation is left after this requirement is met, then it shall be identified on a map and recorded with the deed to the property with the County Register of Deeds.

iv. The site shall be seeded and stabilized to prevent erosion.

Section 3.58 Wireless Communication Towers

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

1. Protect other land uses, especially residential uses, from potential adverse impacts of towers and antennas.
2. Minimize the total number of towers throughout the community.
3. Strongly encourage the joint use of new and existing tower sites as a primary option.
4. Encourage users of towers and antennas to locate them, to the extent possible, to preserve the fragile aesthetics of the tourism based economy of the Township.
5. Encourage users of towers and antennas to configure them in a way to minimize adverse visual impact through careful design, siting, landscaping, alternative structures and innovative camouflaging techniques.
6. Enhance the ability of the providers of telecommunication services to provide such services quickly, effectively and efficiently.
7. Consider the public health and safety of communication towers.

8. Avoid potential damage to adjacent properties from tower failure.

A. General Requirements

1. Towers and antennas may be considered either a principal or accessory use, whenever possible:

- a. Antennas shall be placed on existing structures.
- b. Shall be limited to the lowest possible height which still allows reasonable coverage of an area.
- c. Shall be a neutral color and shall not be lighted unless otherwise required by the FAA or FCC.
- d. Towers shall comply with engineering standards for structural integrity.
- e. Towers shall not be considered “Essential Services” or public or private utilities, but shall instead be regulated by this Section.
- f. Towers shall be permitted in any zoning district except the L/R, and R-1 residential districts.
- g. No signs or advertising shall be allowed on a tower.
- h. Antennas and metal towers shall be grounded for protection against direct strike by lightning.
- i. Towers shall be set back from any adjoining lot line a distance of at least equal to the height of the tower.
- j. No new tower shall be permitted unless the applicant demonstrates, to a reasonable satisfaction, that no existing tower or structure is available because of engineering requirements, structural strength, height, or electromagnetic interference.
- k. Towers shall be enclosed by security fencing not less than six (6) feet in height and be equipped with an anti-climbing device.
- l. Tower facilities shall be landscaped with a buffer strip of plant materials at least ten (10) feet wide and of sufficient height to effectively screen the compound. If evergreens are utilized that will attain a height of eight (8) feet or more at maturity, they must be at least three (3) feet in height when planted.

B. Application for Permit; Exemptions-Uses

1. Towers less than seventy (70) feet in height, owned and operated by a federally licensed amateur radio station operator, or used exclusively for receiving only antennas are exempt from this Ordinance.
2. Antennas located on public property under lease or license with a governmental agency shall be exempt from a permit under this Section.
3. The Zoning Administrator may issue a Land Use Permit for a tower or antenna, after an administrative review:
 - a. For an antenna to be attached to an existing structure, provided the antenna does not extend more than thirty (30) feet above the highest point of the structure.
 - b. For the replacement of a tower by a monopole.
 - c. For one extension of a tower, not to exceed thirty (30) feet, to facilitate the co-location of an additional antenna, but not to exceed a total height of one hundred ninety nine (199) feet.
4. All other tower and antenna applications shall be processed by the Planning Commission following the prescribed procedure for a Special Land Use Permit in accordance with Article XII.
5. An application for a tower or antenna shall be either approved or denied within a reasonable period of time, taking into account the nature and scope of the request, after a completed application is filed by the applicant.
6. Any decision to deny a request to place, construct, or modify a tower or antenna shall be in writing and supported by substantial evidence contained in a written record.
7. If the Planning Commission determines it necessary to consult with an expert in considering the factors listed in this Section, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. Failure to pay such costs and expenses or provide information requested by the Planning Commission shall be grounds for denial or the withholding of the issuance of a land use permit until such costs have been paid.

C. Inventory of Existing Sites Each applicant for a tower and/or antenna permit shall provide the Zoning Administrator with an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the Township, or within one (1) mile of the Township limits, including specific information about the location, height, design, occupancy and capacity of each tower. The Zoning Administrator may share

such information with other applicants, however, the Zoning Administrator is not, by sharing such information, in any way representing that such sites are available or suitable.

D. Buildings and Equipment Storage

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

E. Removal of Abandoned Towers and Antennas

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

F. Separation – Residential Structures

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

No tower greater in height than seventy (70) feet may be located nearer to vacant unplanted residential lands than one hundred (100) feet or one hundred (100) percent of its height, whichever is greater.

G. Separation – Other Towers

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

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

Monopoles more than seventy (70) feet in height shall be located at least seven hundred fifty (750) feet from another monopole more than seventy (70) feet in height.

Sec. 3.59 Yard Sales

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

Sec. 3.60 Lighting Ordinance

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

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

General Provisions (requirements)

- A. All outdoor lighting with illumination equivalent to 150 watts incandescent or more use in all districts shall be shielded to reduce glare and to prevent light from shining onto adjacent properties. Lighting shall be shielded on the top to prevent lighting of the night sky. All lighting shall be shielded sufficiently so as to ensure that the light source is not visible from, or causes glare on public rights of way or adjacent properties. Lighting will be shielded such that light does not disperse above 90 degrees. See exhibit 1.
- B. Streetlights for residential developments: Streetlight installation in residential developments constructed after the effective date of this article shall utilize cut off luminaries. The maximum height of streetlights above grade shall not exceed 20 feet. In the event that 50% or more of existing luminaries or posts in a residential development constructed prior to the effective date of this article are replaced or modified, the luminaries or posts shall be brought into compliance with this article.
- C. Spotlights will be no more than the equivalency of 150 watts incandescent and will be shielded and will be turned off at 11:00pm.
- D. Lighting Plan: Any project including outdoor lighting of the equivalency of 150 watts incandescent or more shall submit a lighting plan with the land use application.
- E. Flag poles: Upward flagpole lighting is permitted for government flags only. Light must have a narrow distribution so that the light illuminates only the flag pole and the flag. Flags are encouraged to be taken down at sunset to avoid the need for lighting.

- F. Towers: All radio, communication and navigation towers requiring FAA compliant lights shall have dual lighting capabilities. White strobes may be used when required during daylight hours. Only red lights may be used during nighttime hours.
- G. Parking lots: Parking lot luminaries shall be no taller than 25 feet in commercially zoned districts. Parking lot lighting in residentially zoned districts shall be no taller than 15 feet. All parking lot lighting shall be downward facing with no light emitted above 90 degrees. See exhibit 1. All commercial lighting will be turned off after business hours of operation.
- H. Notification: Zoning permit applications shall include a question inquiring whether the project includes any outdoor lighting. If the project includes any outdoor lighting equivalent to 150 watts incandescent or more, a lighting plan is required with a zoning application
- I. The zoning administrator will provide lighting guidelines to all property owners/occupants in order to correct any non-conforming lighting per this ordinance. Existing outdoor lighting is not grandfathered.

Definitions:

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.

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.

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

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.

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

ARTICLE III SECTION 3.61 SOLAR PANELS

Solar panels shall be allowed in all zoning districts either attached to permitted principal or accessory buildings or as accessory structures subject to the following regulations:

- A. **Attached to building.** Where attached to a building, the solar panels shall be subject to the same regulations as the building in terms of height and setbacks. Solar panels may be attached to the roof or the building wall, but not both.
1. Roof mounted panels shall include solar panels integrated as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.
 - (a) Solar panels integrated as the surface layer of the roof structure may be located on any part of the roof.
 - (b) Separate flush-mounted solar panels may only be located on a front, rear- or side-facing roof.
 - (c) Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
 - (d) Solar panels mounted on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features.
 2. Flush-mounted solar panels on the building wall may only be attached to one (1) side or rear building façade and shall not face a street or roadway.
- B. **Free-standing.** Solar panels that are not attached to a building shall be permitted as accessory structures subject to the following regulations:
- a. Free-standing solar panels shall be setback from the side and rear lot line in accordance with Article 4 Section 4.7.
 - b. Free-standing solar panels shall not exceed a height of six (6) feet.
 - c. The surface area covered by a free-standing system shall not exceed two percent (2%) of the lot or three hundred sixty (360) square feet, whichever is less. Area covered shall be included in the lot coverage calculations for the lot.
 - d. All power transmission lines shall be underground.
 - e. Free-standing solar panels shall not be visible from adjacent property and shall be screened by landscaping where necessary.
- C. **Glare.** Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.

D. **Land Use Permit/ Building Permit.** Solar energy systems shall conform to applicable industry standards. A land use permit shall be obtained for a solar energy system and comply with the building, electrical codes and all other state law and local ordinances.

B. SEVERABILITY

If any provision of this Ordinance is found to be invalid, the remaining portions of this Ordinance shall remain enforceable.

C. EFFECTIVE DATE

This Ordinance shall take effect seven (7) days following the date of its publication.

ARTICLE III SECTION 3.62 OUTDOOR WOOD FURNACES

DEFINITION-OUTDOOR WOOD BURNING FURNACE

“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.

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

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

- E.** The outdoor wood furnace shall be laboratory tested, and listed by a recognized organization following established recognized safety standards. Nationally recognized organizations include, Underwriters Laboratory, the Canadian Standards Association, and the American National Standards Institute, and may include other bodies specifically recognized by the Township.
- F.** The outdoor wood furnace shall be located at least 200 feet from the nearest occupied dwelling, exempting applicants residence.
- G.** The outdoor wood furnace shall be located on the property in compliance with manufacturers recommendations and or testing and listing requirements for clearance to combustible materials.
- H.** In addition to compliance with this section, an outdoor wood furnace shall comply with Art. III Section 3.46 on Prohibited Uses, and compliance with this section does not assure compliance with Section 3.46.

If any provision of this Ordinance is found to be invalid, the remaining portions of this Ordinance shall remain enforceable.

ARTICLE IV
ZONING DISTRICTS AND ZONING MAP

Sec. 4.1 Districts Established: For the purpose of this Ordinance the Township of Lake is hereby divided into the following districts:

L/R	Lakeshore Residential
R-1	Residential, Single Family
R-2	Residential, Rural
C/R	Commercial/Resort
C-1	Commercial, General
G	Government
CL	Crystal Lake Watershed Overlay District

Sec. 4.2 Zoning Districts Map The boundaries of the districts are hereby defined and established as shown on a map entitled “Zoning District Map of Lake Township, Benzie County, Michigan” which accompanies this Ordinance and which map, with all explanatory matter thereon is hereby made a part of this Ordinance. The Crystal Lake Watershed District Map overlays the Zoning District Map. Additionally, the Platte Lakes Area Management Plan is intended to provide management practices and procedures for all properties which border, encompass or contact the surface waters, watercourses and drainageways to the Platte Lakes Area in response to the Ingham County Circuit Court File No. 86-57122 Consent Judgement.

Sec. 4.3 Interpretation of District Boundaries Unless otherwise specified, the boundary lines of the Zoning Districts shall be interpreted as following along section lines, or customary subdivisions of sections, or centerlines of highways or streets, or the shoreline of waterways, or property lines of legal record at the office of the Benzie County Register of Deeds on the date of the enactment of the Zoning Ordinance.

The Official Zoning Map shall be the final authority in any dispute concerning district boundaries.

The Official Zoning Map, including legally adopted amendments, shall be designated as such by the signature of the Township Clerk. Where uncertainty exists as to the exact district boundaries, the following rules prevail:

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning map, boundaries indicated as approximately following streets, highways, lot lines, Township boundary lines, section lines or shorelines of lakes or streams shall be construed to be following said lines or boundaries.

Where the application of the aforesaid rule leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals.

Section 4.4 Zoning of Vacated Areas :

Whenever any street, alley, highway or other public right-of-way within the Township has been abandoned by official action, such right-of-way lands attach to and become part of the land adjoining such street, alley, highway or public right-of-way. Such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as the district boundary, the centerline of the right-of-way shall be the district boundary.

In the event that property zoned “Government” is sold or transferred to a non-government entity, and the property is not adjoining another zoning district, then that property shall automatically acquire the provisions of the most restrictive zoning district.

Section 4.5 Zoning of Filled Areas :

No fill material may be placed in any lake or stream within the Township unless appropriate permits are obtained from Federal, State and local officials. Such fill areas shall take on the zoning provisions of the zoning district of the abutting land.

Section 4.6 Zoning District Changes:

When district boundaries change, any lawful non-conforming use may continue subject to all other applicable provisions of this Ordinance.

Section 4.7 Table of Dimensional Requirements:

ZONING DISTRICTS	MINIMUM AREA	MINIMUM WIDTH ¹	SETBACKS ^{2,3}			% LOT COVERAGE ⁴
			FRONT	SIDES	REAR ²	
L/R –Lakeshore/ Residential	12,000 SQ.FT	100’	25’	10’	15 (35)’	30%
R-1 –RESIDENTIAL, SINGLE FAMILY	15,000 SQ.FT	100’	40’	10’	15’ (35)’	30%
R-2 –RESIDENTIAL, RURAL	43,560.SQ.FT (1 Acre)	150’	40’	10’	15’	30%
C/R- COMMERCIAL/ RESORT	20,000 SQ.FT	100’	40 (25)’	10’	15’	50%
C-1 – COMMERCIAL, GENERAL	10,000 SQ.FT	100’	25’	10’	15’	50%
G-GOVERNMENT						

¹ – AT THE BUILDING LINE ² – TWENTY-FIVE (25) WHEN ABUTTING MOST WATERS

³ – THIRTY-FIVE (35) FEET WHEN ABUTTING CRYSTAL LAKE ⁴ – SEE ARTICLE XIII CRYSTAL LAKE WATERSHED

**ARTICLE V
LAKESHORE RESIDENTIAL DISTRICT (L/R)**

Section 5.1 Intent - It is the purpose of the L/R District to regulate land uses in the immediate vicinity of the shores of the Platte Lakes, Crystal, Long and Rush Lakes. Generally the area available for development along the lake shore is limited by the natural characteristics of the land, i.e.: bluffs, swamps, etc. This district recognizes the high scenic and economic values of lake shore properties, establishing land uses and development standards which are intended to allow the reasonable use of the lake shore. The district recognizes that small lot sizes are traditional. It also recognizes that undersized lots in the district have uses, especially along the lake edge, which give them value even if not suited to the construction of a residential use. Such uses may include beach access, parking, storage of beach equipment, etc.

Section 5.2 Permitted Uses

- Single Family Dwelling
- Two Family Dwelling
- Model Homes (See Section 3.38)
- Family Child Care Home
- Accessory Uses Customarily Associated with the Above Uses
 - Antennas & Satellite Dishes (See Section 3.7)
 - Decks & Patios
 - Garage, Private
 - Solar Collector
 - Swimming Pool (See Section 3.52)
 - Tool Shed

Section 5.3 Permitted Uses with Site Plan Approval

- Group Child Care Home
- Home Occupations (See Section 3.27)
- Home Based Business (See Section 3.27)
- Bed and Breakfast Establishment (See Section 3.27)
- Short Term Rental (See Section 3.27)
- Compatible Non-Commercial Recreational Facility
- Planned Residential Developments (See Section 3.43)
- Site Condominium Developments (See Section 3.50)
- Small Household WECS (See Section 3.57)

Section 5.4 Permitted Uses with Special Use Permit

- Institutional Structures (See Section 3.29)
- Religious Institutions
- Educational and Social Institutions

Public Buildings
Foster Care Facilities (See Section 3.21)

Section 5.5 Lot and Building Requirements - All buildings and structures in this district shall be located on a building lot or parcel of land having a width of not less than one hundred (100) feet at the building line and contain an area not less than twelve thousand (12,000) square feet unbroken by a public road or right-of-way. However this shall not prevent the use of a building lot or parcel of land of lesser size that was a legal lot of record prior to the adoption of this Ordinance.

Any structure or part thereof shall have a minimum front yard setback of twenty-five (25) feet from the front property line or fifty-eight from the centerline of the traveled surface of the roadway, whichever is less, or twenty five (25) feet from the edge of the traveled portion of a private road or access.

Minimum rear yard setback shall be fifteen (15) feet from the rear property line or twenty-five feet when the property abuts a lake or stream or thirty-five (35) feet when the property abuts Crystal Lake. Minimum side yard setback shall be ten (10) feet.

No building or structure in this district shall be erected or altered or used so as to occupy more than thirty (30) percent of the lot areas, and maximum height is twenty-eight (28) feet.

**ARTICLE VI
RESIDENTIAL SINGLE FAMILY DISTRICT (R-1)**

Section 6.1 Intent – To establish standards for the development of low-medium density residential uses within the Township or within areas of the Township where anticipated public services, such as public water and sewer facilities, may be provided in the future. This district also includes existing one-family developments within the Township which have similar lot area and character, as well as areas within which such development appears likely and desirable.

Section 6.2 Permitted Uses

- Single Family Dwelling
- Two Family Dwelling
- Model Homes (See Section 3.38)
- Family Child Care Home

Accessory Uses Customarily Associated with the Above Uses

- Antennas & Satellite Dishes (See Section 3.7)
- Decks & Patios
- Garage, Private
- Solar Collector
- Swimming Pool (See Section 3.52)
- Tool Shed

Section 6.3 Permitted Uses with Site Plan Approval

- Group Child Care Home
- Home Occupations (See Section 3.27)
- Home Based Business (See Section 3.27)
- Bed and Breakfast Establishment (See Section 3.27)
- Short Term Rental (See Section 3.27)
- Compatible Non-Commercial Recreational Facility
- Planned Residential Developments (See Section 3.43)
- Site Condominium Developments (See Section 3.50)
- Small Household WECS (See Section 3.57)

Section 6.4 Permitted Uses with Special Use Permit

- Institutional Structures (See Section 3.29)
- Religious Institutions
- Educational and Social Institutions
- Public Buildings
- Foster Care Facilities (See Section 3.21)

Section 6.5 Lot and Building Requirements - All buildings and structures in this district shall be located on a building lot or parcel of land having a width of not less than one hundred (100) feet at the building line and contain an area of not less than fifteen thousand (15,000) square feet unbroken by a public road or right-of-way. However, this shall not prevent the use of a building lot or parcel of land of lesser size that was a legal lot of record prior to the adoption of this Ordinance.

Any structure or part thereof shall have a minimum front yard setback of forty (40) feet from the front property line, or seventy-three (73) feet from the centerline of the traveled surface of the roadway, whichever is less, or forty (40) feet from the edge of the traveled portion of a private road or access.

Minimum rear yard setback shall be fifteen (15) feet from the rear property line or twenty-five (25) feet when the property abuts a lake or stream or thirty-five (35) feet when the property abuts Crystal Lake. Minimum side yard setback shall be ten (10) feet.

No building or structure in this district shall be erected or altered or used so as to occupy more than thirty (30%) percent of the lot area, and maximum height is twenty-eight (28) feet.

**ARTICLE VII
RURAL RESIDENTIAL DISTRICT (R-2)**

Section 7.1 Intent - To accommodate the development of residential properties of a semi-rural character within the Township. Typically the district contains larger tracts, areas of environmental concern such as wetlands, bluffs, dunes, etc., which limit development and density, and will probably not be provided with public services in the foreseeable future.

Section 7.2 Permitted Uses

- Single Family Dwelling
- Two Family Dwelling
- Mobile Homes (See Section 3.36)
- Model Homes (See Section 3.38)
- Family Child Care Home
- Greenhouse
- Agricultural and Forestry Uses
- Accessory Uses Customarily Associated with the Above Uses
 - Antennas & Satellite Dishes (See Section 3.7)
 - Decks & Patios
 - Garage, Private
 - Solar Collector
 - Swimming Pool (See Section 3.52)
 - Tool Shed

Section 7.3 Permitted Uses with Site Plan Approval

- Multiple Family Dwellings
- Group Child Care Home
- Home Occupations (See Section 3.27)
- Home Based Business (See Section 3.27)
- Bed and Breakfast Establishment (See Section 3.27)
- Short Term Rental (See Section 3.27)
- Compatible Non-Commercial Recreational Facility
- Planned Residential Developments (See Section 3.43)
- Site Condominium Developments (See Section 3.50)
- Small Household WECS (See Section 3.57)
- Livestock and Pets (See Section 3.30)
- Non-commercial Storage (See Section 3.39)
- Roadside Stands

Section 7.4 Permitted Uses with Special Use Permit

- Institutional Structures (See Section 3.29)

Religious Institutions
Educational and Social Institutions
Public Buildings
Foster Care Facilities (See Section 3.21)
Golf Courses (See Section 3.24)
Gun and Skeet Clubs, Rifle Ranges
Kennels
Mass Gatherings (See Section 3.33)
Mineral Extraction (See Section 3.35)
Commercial WECS (See Section 3.57)
Wireless Communication Towers (See Section 3.58)

Section 7.5 Lot and Building Requirements

All buildings and structures in this district shall be located on a building lot or parcel of land having a width of not less than one hundred fifty (150) feet and contain not less than one acre (43,560 square feet) or area unbroken by a public road or right-of-way. However, this shall not prevent the use of a building lot or parcel of land of lesser size that was a lot of record prior to the adoption of this Ordinance. (See Sec. 3.31)

Any structure or part thereof shall have a minimum front yard setback of forty (40) feet from the front property line or seventy-three (73) feet from the centerline of the traveled surface of the roadway, whichever is less, or forty (40) feet from the edge of the traveled portion of a private road or access.

Minimum rear yard setback shall be fifteen (15) feet from the rear property line or twenty-five (25) feet when the property abuts a lake or stream. Minimum side yard setback shall be ten (10) feet.

No building or structure in this district shall be erected or altered or used so as to occupy more than thirty (30) percent of the lot area, and maximum building height is twenty-eight (28) feet.

**ARTICLE VIII
COMMERCIAL RESORT DISTRICT (CR)**

Section 8.1 Intent - To accommodate residential and resort developments, which are designed to take advantage of the natural qualities and scenery, but still protect, environmentally sensitive lands. It is intended that such uses include appropriate commercial facilities when located and constructed in a manner which is in keeping with the limitations of the Wet Lands Control Act and other related laws, ordinances and regulations

Section 8.2 Permitted Uses

Single Family Dwelling
Two Family Dwelling
Mobile Home (See Section 3.36)
Hotel, Motels, and Resorts (With less than ten (10) units)
Restaurants without drive up facilities
Administrative, Professional and Business Offices
Barber Shops, Beauty Shops and other Personal Service Establishments
Retail Sales
Accessory buildings, structures or uses customarily incidental to the permitted principal uses.

Section 8.3 Permitted Uses with Site Plan Approval

Botanical and Zoological Gardens
Multi-Family Dwellings
Restaurants with drive up facilities
Model Home (See Section 3.38)
Boarding Houses (See Section 3.10)
Group Child Care Home
Foster Care Facilities (See Section 3.21)
Home Occupations (See Section 3.27)
Home Based Business (See Section 3.27)
Bed and Breakfast Establishment (See Section 3.27)
Short Term Rental (See Section 3.27)
Planned Residential Developments (See Section 3.43)
Resorts
Roadside Stands
Site Condominium Developments (See Section 3.50)
Small Household WECS (See Section 3.57)
Sewage Treatment and Disposal Facilities (See Section 3.48)

Section 8.4 Permitted Uses with Special Use Permit

Amusement Arcades (See Section 3.6)
Institutional Structures (See Section 3.29)
Educational and Social Institutions
Public Buildings
Religious Institutions
Human Care Institutions
Commercial WECS and Wind Farm (See Section 3.57)
Golf Courses (See Section 3.24)
Gun and Skeet Clubs and Rifle Ranges
Campgrounds and Travel Trailer Parks (See Section 3.12)
Hotels, Motels and Resorts (With ten (10) or more units). (See Section 3.28)
Planned Residential Development (See Section 3.43)
Kennels
Marinas and Canoe Liveries (See Section 3.32)
Mass Gatherings (See Section 3.33)
Mini-Storage Facility
Mineral Extraction (See Section 3.35)
Mobile Home Parks and Manufactured Housing Communities (See Section 3.37)
Recycling Facility
Warehousing and Commercial Storage (See Section 3.56)

Section 8.5 Lot and Building Requirements

All buildings and structures in this district shall be located on a building lot or parcel of land having a width of not less than one hundred (100) feet at the building line and contain an area of not less than twenty thousand (20,000) square feet unbroken by a public road or right-of-way. However, this shall not prevent the use of a building lot or parcel of land of lesser size that was a legal lot of record prior to the adoption of this Ordinance.

Any structure or part thereof shall have a minimum front yard setback of twenty-five (25) feet from the front property line or fifty-eight (58) feet from the centerline of the traveled surface of the roadway, whichever is less, or twenty-five (25) feet from the edge of the traveled portion of a private road or access; except regarding Deadstream Road or any State Highway where the front yard setback shall be a minimum of forty (40) feet from the front property line and seventy-three (73) feet from the centerline of the traveled surface of the roadway.

Minimum rear yard setback shall be fifteen (15) feet from the rear property line or twenty-five (25) feet when the property abuts a lake or stream. Minimum side yard setback shall be ten (10) feet.

No building or structure in this district shall be erected or altered or used so as to occupy more than fifty (50) percent of the lot area, and maximum building height is twenty-eight (28) feet.

No building or structure or group of rental units permitted in this District shall be built on a lot having less than five thousand (5,000) square feet of area for each such rental unit and manager living accommodations, providing however, that access driveways and parking areas for cars and/or boats shall be included in this area and not be required in addition to this area.

**ARTICLE IX
COMMERCIAL GENERAL DISTRICT (C-1)**

Section 9.1 Intent - To accommodate retail business, recreational and service activities which serve the particular needs of the area resident as well as tourism. The protective standards for site development applied to this district are intended to minimize the undesirable effects of commercial strip developments along highways and to avoid undue congestion.

Section 9.2 Permitted Uses

Hotel, Motels and Resorts (With less than ten (10) units)
Restaurants without drive up facilities
Administrative, Professional and Business Offices
Barber Shops, Beauty Shops and other Personal Service Establishments
Retail Sales

Accessory buildings, structures or uses customarily incidental to the permitted principal uses.

Section 9.3 Permitted Uses with Site Plan Approval

Restaurants with drive up facilities, all other drive up uses.
Amusement Arcades (See Section 3.6)
Auto and Boat Dealers (See Section 3.8)
Automotive Service Facilities (See Section 3.9)
Contractors and Building Material Dealers
Institutional Structures (See Section 3.29)
Educational and Social Institutions
Public Buildings
Religious Institutions
Human Care Institutions
Bed and Breakfast (See Section 3.27)
Boarding Houses (See Section 3.10)
Foster Care Facilities (See Section 3.21)
Short Term Rentals (See Section 3.27)
Hotels, Motels and Resorts (With ten (10) or more units). (See Section 3.28)
Planned Residential Development (See Section 3.43)
Warehousing and Commercial Storage (See Section 3.56)

Section 9.4 Permitted Uses with Special Use Permit

Campgrounds and Travel Trailer Parks (See Section 3.12)
 Multi-Family Dwellings
 Gun and Skeet Clubs, Rifle Ranges
 Golf Courses (See Section 3.24)
 Gasoline Service Stations and Facilities (See Section 3.22)
 Commercial Wind Energy Conversion Systems (WECS) (See Section 3.57)
 Sexually Oriented Business (See Article XII, Section 12.8)
 Wireless Communication Towers

Section 9.5 Land and Building Requirements - All buildings and structures in this district shall be located on a building lot or parcel of land having a width of not less than one hundred (100) feet at the building line and contain an area of not less than twenty thousand (20,000) square feet unbroken by a public road or right-of-way. However, this shall not prevent the use of a building lot or parcel of land of lesser size that was a legal lot of record prior to the adoption of this Ordinance.

Any structure or part thereof shall have a minimum front yard setback of twenty-five (25) feet from the front property line or fifty-eight (58) feet from the centerline of the traveled surface of the roadway, whichever is less, or twenty-five (25) feet from the edge of the traveled portion of a private road or access; except regarding Deadstream Road or any State Highway where the front yard setback shall be a minimum of forty (40) feet from the front property line and seventy-three (73) feet from the centerline of the traveled surface of the roadway.

Minimum rear yard setback shall be fifteen (15) feet from the rear property line or twenty-five (25) feet when the property abuts a lake or stream. Minimum side yard setback shall be ten (10) feet.

No building or structure in this district shall be erected or altered or used so as to occupy more than fifty (50) percent of the lot area, and maximum building height is twenty-eight (28) feet.

No building or structure or group of rental units permitted in this District shall be built on a lot having less than five thousand (5,000) square feet of area for each such rental unit and manager living accommodations, providing however, that access driveways and parking areas for cars and/or boats shall be included in this area and not be required in addition to this area.

**ARTICLE X
GOVERNMENT DISTRICT (G)**

Section 10.1 Intent - To preserve and protect from development certain outstanding natural features, including forests, beaches, dune formations, and ancient glacial phenomenon, along with the scenic beauty and natural character of the area. This is to be accomplished while at the same time providing for recreational activities consistent with the maximum protection of the natural environment of the district.

Section 10.2 Permitted Uses

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

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

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

ARTICLE XI SITE PLAN REVIEW

Section 11.1 Intent and Purpose:

Act 110 of 2006, as amended, the Michigan Zoning Enabling Act, authorizes local government to require the submission and approval of a site plan before authorization of a land use or activity regulated by the Zoning Ordinance.

It is the intent and purpose of this section to provide for consultation and cooperation between the land owner, developer and/or applicant for a site plan review for certain uses as outlined elsewhere in this ordinance and the Planning Commission. As used in this ordinance, "site plan" includes the documents and drawings required by this ordinance to insure that a proposed land use or activity is in compliance with this ordinance and other local, state and federal requirements or statutes.

A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the conditions imposed under the zoning ordinance and other applicable ordinances, and state and federal regulations. A site plan may be approved with conditions.

Section 11.2 Minor and Major Site Plans:

A. Minor Site Plan

A minor site plan is required for all uses listed in the zoning districts for which a minor site plan approval is required. The site plan requirements listed below under s Section 11.4 A, (1 through 4) Optional Sketch Plan Review are the minimum requirements for a minor site plan review. The applicant is encouraged to provide any additional information that will assist the Planning Commission in evaluating the proposed use.

B. Major Site Plan

A formal site plan as specified in Section 11.4.B below is required for a use for which a special use permit is required.

Section 11.3 Review and Approval

Special land uses and activities eligible in a respective zoning district may be permitted only after a site plan review and approval of the Planning Commission. A site plan shall be approved if it contains the information required by this Ordinance and is in compliance with the conditions imposed under this Ordinance, other applicable ordinances, and state and federal statutes.

Section 11.4 Procedures

Each application for a site plan review shall include the following:

A. Optional Sketch Plan Review for Major Site Plan

Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to submitting a formal application. The purpose of such procedure is to allow discussion between a developer and the Planning Commission to better inform the developer of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include, as a minimum, the following:

1. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
2. Legal description, property parcel number and street address of the subject parcel of land.
3. Sketch plans showing tentative site and development plans. The Planning Commission shall receive the sketch plan one week prior to the Planning Commission meeting for their information and study. The Planning Commission shall not be bound by any comments given at this time.
4. For Minor Site Plans, the following additional information will be provided:
 - a. Present and proposed land use.
 - b. Dimensions of setbacks shall be shown.
 - c. Locations, heights and sizes of structures and other important features.
 - d. Curb-cuts, driving lanes, parking and loading areas.
 - e. Location and type of drainage, sanitary sewers, storm sewers and other facilities
 - f. Assessment of potential impact and mitigation measures proposed to comply with the environmental provisions of Article III, Section 3.18 and the Crystal Lake Watershed Overlay District and the Platte Lakes Area Management Plan, as appropriate.

B. Formal Site Application Procedure for Major Site Plans

Request for formal site plan review shall be made by filing with the Township Zoning Administrator the following:

1. All applications for site plan review shall be accompanied by a filing fee specified by Article XIV.

2. Six (6) copies of the completed application form for site plan review, which shall contain at a minimum the following information:
 - a. Name and address of applicant.
 - b. Legal description, property parcel number and street address of the subject parcel of land.
 - c. Area of the subject parcel of land stated in acres or, if less than one (1) acre, in square feet.
 - d. Present zoning classification on parcel.
 - e. Present and proposed land use.
 - f. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems and automobile and truck circulation patterns and local traffic volumes.
3. Six (6) copies of the proposed site plan, which shall include at a minimum the following information:
 - a. A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer. Two (2) copies of the drawing at 24 inches by 36 inches in size, and the balance of the drawings at 11x17 size for Planning Commission members use.
 - b. Property parcel number (from the Assessment Roll of the Township).
 - c. The topography of the site in two (2) foot contours and its relationship to adjoining land.
 - d. Itemization and depiction of existing man-made features.
 - e. Dimensions of setbacks shall be shown.
 - f. Locations, heights and sizes of structures and other important features.
 - g. Percentage of land covered by buildings and that reserved for open space.
 - h. Dwelling unit density where pertinent.
 - i. Location of public and private rights-of-way and easements

contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including percent (%) grades and types of construction of those upon the site.

- j. Curb-cuts, driving lanes, parking and loading areas.
- k. Location and type of drainage, sanitary sewers, storm sewers and other facilities.
- l. Location and nature of fences, landscaping, screening.
- m. Proposed earth changes.
- n. Signs and on-site illumination.
- o. Assessment of potential impact and mitigation measures proposed to comply with the environmental provisions of Article III, Section 3.18 and the Crystal Lake Watershed Overlay District and the Platte Lakes Area Management Plan, as appropriate.
- p. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public, as may be requested by the Zoning Administrator or the Planning Commission.

C. Action on Application and Plans

1. Upon receipt of the plans and application in complete form, the Zoning Administrator shall record the date of the next scheduled meeting of the Planning Commission as the file date, and transmit five (5) copies thereof to the Chairman of the Planning Commission; one (1) copy to be retained by the Zoning Administrator.
2. The Planning Commission shall review the application plans, and the recommendations of the Zoning Administrator with regard thereto.
3. The Planning Commission shall have the authority to approve, disapprove, or conditionally approve the proposed plans in accordance with the purpose of the site plan review provisions of this Ordinance and criteria herein contained.
4. Any modifications or alterations required by the Planning Commission shall be stated in writing, together with the reasons therefore, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modification, if any, or may require a further review after the same have been included in the proposed plans for the applicant. The decision of the Planning Commission shall be

made by within one hundred (100) days of the receipt of the application.

5. Two (2) copies of the approved final site plan, with any required modifications thereon, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairman of the Planning Commission for identification of the final approved plans. If any variance from this Ordinance has been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for their information and direction.

D. Criteria for Review

In reviewing the application and site plan and approving, disapproving or modifying the same, the Planning Commission shall be governed by the requirements of Act 110 which provides for approval of a discretionary decision if all approval standards are met, and in accordance with the following standards:

1. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conforms to any street or access plan adopted by the MDOT and/or the County Road Commission.
2. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owner and occupants of adjacent properties and the neighborhood.
3. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
4. That any adverse effects of the proposed development and activities proceeding herefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
5. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
6. That all buildings and structures are accessible to emergency vehicles.

7. That the plan as approved is consistent:

- a. To encourage the use of lands in accordance with their character and adaptability
- b. To avoid the overcrowding of population.
- c. To lessen congestion on the public roads and streets to reduce hazards to life and property.
- d. To facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements.
- e. To conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.
- f. To preserve property values and natural resources.
- g. To give reasonable consideration to the character of a particular area, given its unique suitability for particular uses and the general and appropriate trend and character of land, building and population development.
- h. That a plan for erosion controls and storm water discharge has been approved by appropriate public officials.
- i. Assessment of potential impact and mitigation measures proposed to comply with the environmental provisions of Article III, Section 3.18 and the Crystal Lake Watershed Overlay District and the Platte Lakes Area Management Plan, as appropriate.

E. Conformity to Approved Site Plan

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform to such approved plan, the approval thereof shall be forthwith revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proper application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction, provided such construction

complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of this Ordinance.

F. Term of Approval for Site Plan

Approval of the site plan shall be valid for a period of one (1) year after the date of approval. If a building permit has not been obtained and on-site development not actually commenced within said one (1) year, the site plan approval shall become null and void and a new application for site plan approval shall be required. A new approval shall be required and obtained before any construction or earth change is commenced upon the site. A six (6) month extension may be requested, and may be approved by the Planning Commission based on a finding of fact that the extension will result in completion of the project.

G. Amendment to Site Plan

1. Minor Amendment: The owner of property for which a site plan has been approved shall notify the Zoning Administrator for any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - a. Reduction in size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet.
 - c. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - d. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the uses or increase the amount of required parking.
 - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes related to items a) through d) above, required or requested by the Townships, Benzie County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.

g. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

2. Major Amendment: A proposed amendment, modification or alteration to a previously approved site plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.

**ARTICLE XIII
WATERSHED OVERLAY DISTRICTS**

A. CRYSTAL LAKE WATERSHED OVERLAY DISTRICT

Section 13.1 Intent - The purpose of this Article is to protect the environmental quality of Crystal Lake, the Crystal Lake shoreline, and the Crystal Lake watershed through appropriate land use and design regulations. The protection of the Crystal Lake watershed is deemed a public purpose in order to preserve important environmental, historical, residential, recreational, culture, scenic and economic attributes of Lake Township and the region.

More specifically, the purpose of this Article is to protect the public health, safety, and welfare; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from accelerated erosion; to protect wetlands; to control building sites, placement of structures, and land uses; to conserve shore cover; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 13.2 Watershed Overlay District - All areas of Lake Township that are in the Crystal Lake Watershed, according to the Crystal Lake Watershed Overlay Map of Lake Township shall meet all requirements of this Article. The Crystal Lake Watershed Overlay Map shall be on file with the Township Clerk and the Township Zoning Administrator at all times. Any interpretations of the boundaries of this map shall be the responsibility of the Zoning Administrator, whose decision may be appealed to the Township Board of Appeals.

In cases where a parcel is partially inside and partially outside of the overlay district, only those portions located within the overlay district are required to comply with the regulations of this Article.

Section 13.3 Uses Permitted - All uses permitted by right or by special land use permit in the underlying zoning district shall be permitted in the Crystal Lake Watershed Overlay District, except for:

1. Confined Feedlots
2. Slaughterhouses
3. Gas Stations
4. Auto Repair Shops
5. Auto Washes
6. Oil-change establishments
7. Industrial uses involved in the manufacturing, compounding, processing or treating of products.

Section 13.4 Lot Size, Width and Setback - Minimum lot size, lot width, and setback requirements of the underlying zoning district shall be met unless this Article specifically states otherwise.

Section 13.5 Approval Process - All of the following uses or buildings (including additions or extensions to such uses or buildings) that are located wholly or partially within the Watershed Overlay District shall be required to obtain site plan approval pursuant to Article XI and Section 13.6.

1. Commercial Establishments
2. Industrial Establishments
3. Multifamily Housing Developments
4. Subdivisions and Site Condominium Subdivisions
5. Parking Areas Containing Four or More Parking Spaces
6. Private Roads or Paved Areas Exceeding Four Thousand (4,000) Square Feet.
7. Planned Residential Developments, Planned Unit Developments, Open Space Developments.

All single-family and two-family dwellings and their respective accessory uses not included in a subdivision or site condominium subdivision shall require a sketch plan provided that the Zoning Administrator and Planning Commission may require any additional information to ensure that all of the conditions of the zoning ordinance are met.

Section 13.6 Design Requirements - The purpose of the design requirements of this section are to slow the rate of stormwater runoff, to reduce erosion and sedimentation, to protect water quality, to keep nutrients from entering lakes and streams, to maintain water temperatures at natural levels, to preserve fish and wildlife habitat, and to preserve aesthetic and scenic values of the watershed environments.

- A. Setbacks from Crystal Lake: All principal buildings shall be set back at least thirty-five (35) feet from the ordinary high-water mark of Crystal Lake.
- B. Within thirty-five (35) feet of the ordinary high-water mark of Crystal Lake, a maximum of four hundred (400) square feet of land may be covered by impervious surfaces, including all structures and paving, for each one hundred (100) linear feet of lake frontage.
- C. No unsightly, offensive, or potentially polluting material, including but not limited to lawn clippings, leaves, garbage, trash, refuse, or toxic materials, may be dumped or stored within thirty-five (35) feet of the ordinary high-water mark of Crystal Lake.

- D. Vegetative Buffer: All existing vegetation located within thirty-five (35) feet of the ordinary high-water mark of Crystal Lake shall be maintained as a vegetative buffer in accordance with this section.
- E. Removal of vegetation in the natural vegetative buffer shall be limited to no more than twenty-five (25) percent of the length of this buffer, provided that cutting of this twenty-five (25) percent shall not create a clear-cut opening greater than twenty-five (25) feet wide for every one hundred (100) feet of shoreline.
- F. Natural shrubbery, trees, or other vegetation shall be preserved as far as practical and, where removed, shall be replaced with other naturally occurring vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty. A mowed lawn is not a desirable vegetative buffer adjacent to the shoreline.
- G. Native plants, shrubbery, and trees are encouraged when new vegetation is planted.
- H. Existing soil and organic matter shall not be altered or disturbed within the natural vegetative buffer. These provisions shall not apply to the removal of dead, diseased, or dying trees at the discretion of the landowner.
- I. Development on Steep Slopes: Development on slopes of twelve (12) percent or greater shall meet the design requirements of this section.
- J. Density: The permitted density of residential dwellings shall be based on the existing slope of the site. The permitted number of dwellings shall be based on the procedures outlined in Section 13.6 (J) by applying the maximum density requirements of this section.

Maximum Density Without Sewers	Maximum Density With Sewers	Existing Slope
1.00 Unit Per Acre	2.00 Units Per Acre	12 to 17 Percent
0.75 Unit Per Acre	1.50 Units Per Acre	18 to 24 Percent
0.50 Unit Per Acre	1.00 Unit Per Acre	25+ Percent

- K. Lot Coverage: The amount of land allowed to be covered by impervious surfaces shall be based on the existing slope of the site. Lot coverage shall be defined as the percentage of the lot (excluding rights-of-way and wetlands) that is covered by impervious surfaces, including structures and paving. In the case of PUDs, PRDs and Site Condos, each individual lot need not meet the requirements of this section, provided that the total project does meet the requirements of this section.

The maximum lot coverage shall be as follows:

Lot Coverage	Existing Slope
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30 Percent	12 to 17 Percent
20 Percent	18 to 24 Percent
10 Percent	25+ Percent

L. Natural Vegetative Cover: As much of the existing vegetation, including bushes, shrubs, natural ground cover, and trees, shall remain on the site as possible. Lawn areas shall not qualify as natural vegetative cover required in this section. The required amount of vegetative area to remain undisturbed shall be based on the existing slope on the site and shall be clearly indicated on the proposed site plan or sketch plan. The natural vegetative areas shall be located along lot lines, natural drainage courses, wetlands, and steep slopes to the extent possible. In the case of PUDs, PRDs, Site Condos and Open Space Residential Developments, each individual lot need not meet the requirements of the section, provided that the total project does meet the requirements of this section.

Percent of Lot to Remain in Natural Vegetative Cover	Existing Slope
30 Percent	12 to 17 Percent
40 Percent	18 to 24 Percent
50 Percent	25+ Percent

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

1. That no other reasonable or prudent alternatives exist.
2. That the development will not create excessive soil erosion or sedimentation and that it will not impair the quality of water discharged from the site.
3. That the peak rate of stormwater runoff after development will not exceed the peak rate of stormwater runoff that has occurred prior to the proposed development.
4. That all design requirements of this section are met.

M. Determination of Slope: The determination of slope shall be made by the Zoning Administrator based on the Lake Township Slope Map. The Lake Township Slope Map shall be on file with the Township Clerk and the Township Zoning Administrator at all times. The Zoning Administrator shall make the best possible determination using the scale of the map and shall record his or her determination on a site plan that is made available by the property owner. In cases where there is more than one slope category on a lot or proposed development, the Zoning Administrator shall indicate these areas on the site plan.

If the property owner disagrees with the slope determination made by the Zoning Administrator, he or she may request a review of the determination by the Planning Commission during the site plan review process. In making its case, the property owner shall present topographic mapping or a survey prepared and sealed by a registered civil engineer or surveyor. Based on the evidence presented by the Zoning Administrator and the property owners, the Planning Commission shall make a slope determination and shall record its decision on the proposed site plan.

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

1. All principal buildings shall be set back at least fifty (50) feet from all ridgelines.
2. All principal or accessory buildings or structures located within one hundred (100) feet of a ridgeline shall not exceed eighteen (18) feet in height.
3. All accessory structures, such as but not limited to signs, sheds, garages, and satellite dishes, shall be set back at least thirty (30) feet from all ridgelines.
4. A building setback from the ridge line of only twenty (20) feet may be permitted if any of the following conditions exist:
 - a. There are no other reasonable or prudent alternatives to achieve the required fifty (50) foot setback.
 - b. There would be significant environmental consequences if the fifty (50) foot setback was required.
 - c. The building is not located within a special or unique viewing area or view shed within the Crystal Lake Overlay District.
 - d. All existing vegetation located within twenty (20) feet on either side of the ridgeline shall be maintained as a vegetative buffer in accordance with this section.
5. Removal of vegetation in the natural vegetative buffer shall be limited to no more than twenty-five (25) percent of the length of this buffer, provided that cutting of this twenty-five (25) percent shall not create a clear-cut opening greater than twenty-five (25) feet wide for every one hundred (100) feet of ridge line.

6. Natural shrubbery, trees, or other vegetation shall be preserved as far as practical and, where removed, shall be replaced with other naturally occurring vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty. A mowed lawn is not a desirable vegetative buffer adjacent to the ridgeline.
 7. Native plants, shrubbery, and trees are encouraged when new vegetation is planted.
 8. Existing soil and organic matter shall not be altered or disturbed within the natural vegetative buffer.
- O. Private Roads: All private roads located in the Watershed Overlay District shall meet the requirements of this section:
- Private roads shall not be located within thirty (30) feet of Crystal Lake or within ten (10) feet of a wetland or stream.
- P. Private roads in hilly terrain shall be encouraged to locate along natural contours of the land in order to minimize cutting, filling and erosion.
- Q. General Design Standards: For all developments in the Watershed Overlay District, the following general design standards shall be followed:
1. Natural vegetation shall be maintained wherever possible. If the removal of vegetation is required, reestablishment of a compatible plant material shall be required.
 2. Existing mature trees shall be incorporated into the project design where feasible.
 3. Natural drainage courses shall be protected from grading activity.
 4. Where known, groundwater flow patterns shall not be interrupted.
 5. Slopes created by the grading of the site should generally not exceed a slope ratio of one (1) foot of vertical slope to three (3) feet of horizontal distance.
 6. Buildings shall be clustered as much as possible to retain open space and surrounding tree cover and to minimize changes in topography.
 7. Screening along roadways shall make maximum use of berming and landscaping but shall not interfere with site distances.

- R. Construction Guidelines: For all developments in the Watershed overlay District, the following construction guidelines shall be followed:
- S. Whenever feasible, natural vegetation shall be retained and protected. Where inadequate vegetation exists, temporary or permanent vegetation shall be established.
- T. All exposed slopes and graded areas shall be landscaped with ground cover, shrubs, and trees as soon as possible.
- U. The smallest practical area of land shall be exposed at any one time during development.
- V. When land is exposed during development, the exposure shall be kept to the shortest practical period of time and, if possible, shall be scheduled during seasons of minimum precipitation.
- W. The permanent final vegetation and all structures shall be installed as soon as practical.
- X. Trees are susceptible to all development in their immediate vicinity, and, unless extreme measures are taken during construction to protect them, their life span will inevitable be shortened. The developer must demonstrate how trees will be protected during construction or how to relocate trees if necessary.
 - 1. For relocating trees, the root ball must be approximately ten (10) to twelve (12) inches in diameter for every inch of the tree's diameter. Adequate drainage and backfill shall be necessary to complete the relocation.
 - 2. Root protection during construction is essential in saving mature trees. Recommended techniques include using a geotextile aeration mat to allow structures to have adequate ventilation, while protecting the roots from excessive compaction and steel-reinforced concrete paving patterned with voids to be filled with gravel or grass that allow drainage, while protecting the tree from root compaction in highly trafficked areas.

B. PLATTE LAKES AREA MANAGEMENT PLAN

Section 13.7 Intent - The Platte Lakes Area Management Plan is intended to protect the health, safety and welfare of the Platte Lakes Area by promoting the preservation of natural features, protecting water quality and regulating development and the use of property which borders, encompasses or contacts the surface waters, watercourses and drainage ways to the Platte Lakes Area. The shape, size and character of the property located within this district may vary greatly due to circumstances imposed by the existing water bodies, watercourses, wetlands, drainage ways and varying slopes. Additionally, it is the intent of the ordinance to establish land management practices and procedures

within the Platte Lakes Area that will help in the attainment and compliance with the court ordered Big Platte lake water quality standard of 8.0 micrograms per liter for phosphorus. (Ref: Ingham County Circuit Court File NO. 86-57122 CE Platte Lake Improvement Association versus Michigan Department of Natural Resources March 10, 2000 CONSENT JUDGMENT Sec. 3 Operation of the Hatchery, Paragraph F Platte Lake Phosphorus Limit, Sub-paragraph ii.)

Section 13.8 Definitions - This district is designed to provide protection to water resources from activities pertaining to construction, development or redevelopment, on properties located adjacent to, bordering or encompassing surface water, water courses, wetland areas, or drainage ways.

Bottom – land The land area of an inland lake or stream which lies below the ordinary high water mark and which may or may not be covered by water at a particular time.

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.

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.

Impervious surface Any surface including streets, roads, driveways, parking areas, sidewalks, patios, and roof tops, which prevents stormwater from percolating into the ground.

Lot, Water Front A lot that has water frontage on a water body.

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).

Mowing and Bagging The process of using a lawn mower to cut the grass or ground vegetation in a way which allows the cuttings to be removed for deposition elsewhere.

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.

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.

Organic Beach Debris Organic matter that washes up on the shoreline. To include but not be limited to leaves, aquatic plants, chara, filamental algae, dead fish, dead animals and shoreline vegetation that has broken loose and washed up, etc.

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.

Phosphate Containing Fertilizer – Any fertilizer of any type that contains phosphorus.

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.

Removal of Vegetation Includes, but is not limited to, the cutting, pruning, pulling, digging out, chemical treatment, etc. such that a sufficient amount of the plant and/or related root structure are removed/destroyed such that the plant will no longer continue to grow and bare soil is exposed.

Sediment Solid particulate matter, mineral or organic that has been deposited in water, is in suspension, or being transported by water, or has been removed from its site of origin by the process of soil erosion whether natural or induced.

Slope A portion of land that has either an upward or downward inclination.

Slope, Steep A slope that has a topographic grade of eighteen percent (18%) or greater.

Soil Erosion The wearing away of land by the action of wind, water, gravity or a combination thereof including ice.

Stream Any natural flow of water, which has a defined bank and bottom, whether it be continuous or intermittent.

Upland The land area that lies above the ordinary high water mark or wetland.

Water Body Any natural or artificial inland lake or stream, all being water resources.

Water Frontage The straight-line horizontal distance measured between the two most widely separated points along the water front line.

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.

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.

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.

Section 13.9 Water Resources subject to Ordinance Regulation - Navigable water bodies and watercourses, wetland area 0.5 acre or larger in size, non-navigable waterways with tributaries from other non-navigable waterways whose origin is from surface run off, or spring fed, excepting from a wetland area.

Section 13.10 District Regulations – All Structures and Developments:

- A. Dwelling and Accessory Structures
 - 1. One dwelling per lot

2. Newly created building lots must be a minimum of one hundred (100) feet in width at the building line.
- B. Impervious Surfaces
1. Impervious surfaces must be engineered and sloped in a manner that will not allow direct drainage into a water resource.
 2. Drainage of surface runoff from an impervious surface must be directed to a retention area or rock filled void large enough to allow natural absorption of storm water runoff from a twenty-five (25) year storm event of three and one-half (3.5) inches of rain in a twenty-four (24) hour period.
- C. Steep Slopes
1. Engineered slopes must be less than eighteen (18%) percent when located within one hundred (100) feet of a water resource. The surface must be maintained with a vegetative cover to minimize surface runoff.
 2. Natural slopes greater than eighteen (18%) percent must be maintained with a vegetative cover or retaining systems to minimize surface runoff.
- D. Buffer Strips In order to protect water quality, preserve sensitive wildlife habitat and reduce soil erosion and sedimentation, any proposed development or redevelopment, as defined in this subsection, on properties subject to this overlay district shall be separated from the high water mark or bottom land of any subject water resource, by a buffer strip a minimum of twenty-five (25) feet in width as described below.
1. For purposes of this district, constructions, development or redevelopment shall be defined as any of the following activities:
 - a. The enlargement of the principle building square footage by more than one hundred (100) square feet.
 - b. The demolition of an existing principle building and the building of a new principle building, within the same footprint.
 2. The buffer strip shall consist of vegetation and or grass in living condition with the intent of minimizing sediment runoff into the adjacent water resource. A limited amount of improvement may be permitted within the strip as described below:
 - a. Buffer Strip: The depth of the buffer strip shall measure twenty-five (25) feet from the ordinary high water mark of the water body. This area is extremely sensitive and must be treated carefully when considering vegetation removal. Specifically any vegetative

removal that would cause or enhance erosion is prohibited unless approved measures to eliminate or reduce erosion are implemented simultaneously. Subsequently, any existing erosion within the buffer zone to the adjacent water body, when identified by the zoning administrator or soil erosion control agent, must be corrected per approved soil erosion control measures.

- b. Therefore, the removal of any vegetation within the buffer strip shall be limited to an area equal in width to twenty-five (25%) percent of the length of the water frontage of the parcel, or twenty-five (25) feet, whichever is greater. No contiguous area of clearance shall be wider than twenty-five (25) feet. Consistent with the spirit of the district intent, as much as possible of the mature vegetation shall be preserved. Areas within this strip that do not include abundant native vegetation so as to permit relatively unimpeded pedestrian access to the water resource and/or to permit a virtually open view of the water from the principal structure, shall be included as a portion of the total clear area. Features permitted in the buffer strip shall include footpaths constructed of permeable materials, stairways, fences and walls. The buffer strip may not be used for the dumping of brush, clippings, fill dirt, trash, debris or other materials. Under no circumstances shall the removal of vegetation be allowed where the slope is greater than eighteen (18%) percent.
- c. The mowing and or cutting of the vegetation within the buffer strip is an appropriate phosphorus reduction measure as long as the mowing height is such as to enable continued plant growth and the clippings from the mowing are removed to an area outside of the buffer strip where their decay and re-entry to the buffer strip is prevented. In any case, this distance for deposition of organic debris from the water body is no less than the distance of the approved septic drain field from the water body for the property in question. If the property has a holding tank, the mowed clippings must be deposited at a location that meets the above criteria. If such a site cannot be arranged, then the buffer strip cannot be mowed. Under no circumstances can the mowed or cut vegetation be allowed to be deposited directly into the buffer strip or the adjacent water body.
- d. Removal of trees and shrubs within the buffer strip must be replaced with vegetation possessing equal or greater soil retaining potential. Grasses are preferred over trees as trees deposit leaves and or needles into the buffer zone and adjacent water body. Re-vegetation may be conducted per NRCS or Benzie County Soil Erosion Control Plans. The removed material must be properly

disposed of as indicated in Sec. 13.10 paragraph D subparagraph 2b.

- e. Removal of organic beach debris as well as tree leaves, etc. is encouraged as a phosphorus reduction measure such that phosphorus and other nutrients in the debris cannot decay and re-enter the water. The debris must be disposed of as indicated in Sec. 13.10 paragraph D subparagraph 2c.
 - f. Fertilization of any type is prohibited within the twenty-five (25) foot buffer zone.
- E. Redirection of Water Resources: Redirection of a water resource, in part or in whole, may only be conducted under the Michigan Department of Natural Resources and Environment (MDNRE).
- F. Construction within the Platte Lakes Area District
- 1. Construction activities within the district shall not encroach or impact the designated buffer strip.
 - 2. A Soil Erosion Control Permit is required for earth changes within five hundred (500) feet of a lake or stream or for any earth change amounting to one (1) acre or more.
- G. Fertilization within the district: All fertilization within the district for non-agricultural operations is limited to phosphate free fertilizer.
- H. Agricultural Operations
- 1. No grazing of livestock shall be permitted within fifty feet (50) of the high water mark.
 - 2. An agricultural operation may operate under an approved NRCS conservation plan that will allow agricultural activity within a buffer strip while maintaining protection of the water resource.

**ARTICLE XIV
ADMINISTRATION AND ENFORCMENT**

Section 14.1 Administration

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

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

Section 14.2 Zoning Administrator

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

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

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

Section 14.3 Land Use Permits

No person shall erect or place any building or structure, having more than one hundred (100) square feet of floor area, nor shall any person make an addition of more than one hundred (100) square feet of enclosed floor space to any existing building, or change or establish a new use for any land within any zoning district without first obtaining a land use permit. Application shall be made to the Zoning Administrator for such permit, on forms to be supplied by him or her, together with a non-refundable application fee. The Zoning Administrator shall have the power to require proof of ability to comply with all of the requirements of this Ordinance pertaining to said use and may require a site plan review as specified in Article XI, and further he/she may also require proof of ability to meet all public health standards and applicable State and County laws, regulations and ordinances.

Land Use Permit Requirements

The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:

- A. A site plan, if required, or a sketch to scale in duplicate showing the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein:
 - 1. The size, dimensions, location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered;
 - 2. The width and alignment of all abutting streets, highways, alleys, easements and public open spaces;
 - 3. The front yard dimensions of the nearest building on both sides of the proposed building or structure;
 - 4. The location and dimensions of sewage disposal facilities both on adjoining land or lots and those to be erected on the lot under consideration;
 - 5. And the location of all wells on adjoining lands or lots and those to be erected on the lot under consideration.
- B. The property owner shall physically stake on the ground the location of where buildings will be located. The Zoning Administrator shall inspect the site prior to construction to be sure that the actual locations of the proposed buildings on the ground are the same as the locations of the buildings as drawn on the site map.

C. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator or this Ordinance.

D. Such other information as may be required to determine compliance with the Ordinance.

A Land Use Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Benzie County Building Department.

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

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

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

Section 14.4 Fees

A. The Township Board may from time to time adopt by resolution, a fee schedule establishing basic zoning fees related to the following:

1. Land Use permits.
2. Special Land Use permits.
3. Appeals to or requests for interpretations by the Zoning Board of Appeals.
5. Requests for variances from the Zoning Board of Appeals.
6. Requests for a special meeting of the Planning Commission.
7. Change of Use Permits.
8. Amend zoning ordinance text.

- 9 . Amend zoning districts map.
10. Site Plan Review – Minor
11. Site Plan Review – Major.

See approved list on file with the Township Clerk.

B. In addition to the basic application fee, applicants for Land Use Permits and/or approval shall pay the costs of review of applications for variances, special use permits, site plans, rezoning, subdivisions, site condominiums, and similar requests. Such charges shall be in addition to the basic application fee, in an amount equal to the township's actual expenses incurred for reviewing the application, including but not limited to the cost of:

1. Planning Commission subcommittee meetings.
2. Special meetings.
3. Reports and review by Township Attorney and preparation of appropriate approving resolutions or ordinances.
4. Reports and review by Township Planner.
5. Reports and review by Township Engineer.
6. Additional notices of public hearing.
7. Traffic studies.
8. Environmental impact studies.
9. Similar services and expenses.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or

appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Section 14.5 Posting of Financial Guarantee

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

Section 14.6 On-Site Inspection

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

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

Section 14.7 Lots of Record

The Zoning Administrator may issue land use permits to lots of record where healthful, safe and sanitary water source and waste disposal systems are available. The setback requirements shall conform to those provided in this Ordinance. However, in the case of previously platted lots, where setback requirements cannot be met, the most suitable building site shall be chosen so as not to endanger the aesthetic character of the surrounding area.

Section 14.8 Permit Effective Date

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

Section 14.9 Violations and Penalties

A. Nuisance per se

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

B. Inspection

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

C. Penalties

1. Any person, partnership, corporation, or association who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than

five hundred dollars (\$500). Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.

2. The Zoning Administrator, or designee, is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
3. In addition to enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 14.10 Conflicting Regulations

When a conflict exists between this Ordinance and a State or Federal regulation, deed restriction, or private covenant, the more stringent regulation shall control.

Section 14.11 Amendments to this Ordinance

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 110 of the Public Act of 2006, as amended.
- B. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Planning Commission.
- C. Proposals for amendments, supplements or changes may be initiated by the Township Board on their own motion, by the Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
- D. The procedure to be followed for initiating and processing an amendment shall be as follows:
 1. Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator, or designee, on a standard form provided and shall be accompanied by the fee as prescribed by Section 14.4 of this Ordinance.

2. The Zoning Administrator, or designee, shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.
3. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
4. Before ruling on any proposal the Planning Commission shall conduct a public hearing as required pursuant to Act 110 of 2006, as amended and as outlined in Section 14.12.
5. Following the public hearing the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
6. The Planning Commission shall submit a final report/recommendation and proposed text to the Township Board along with a summary of the comments received at the public hearing.
7. The Township Board may hold additional public hearings, if they decide it is necessary and following the requirements of Section 14.12. The Township Board may adopt or reject any proposed amendment, or refer it back to the Planning Commission for further review as prescribed by Act 110 of 2006, as amended.
8. Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption.
9. No application for rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Planning Commission to be valid. A rezoning request may be submitted if the Township Attorney certifies that a mistake has been made in the prior procedures.

Section 14.12 Public Notification

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

A. Responsibility

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

B. Content

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

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

C. Personal and Mailed Notice

1. General

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

- a. The owner(s) of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased to different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive the notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c. For requests for interpretation or appeals of administrative decisions, to the person requesting an interpretation of the zoning ordinance or to a person appealing an administrative decision.
 - d. In the case of a zoning ordinance amendment, or rezoning , each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.
2. Notice by mail/affidavit

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

D. Timing of Notice

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

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

Section 14.13 Public Hearing Procedures

A. Subject to Subsection (B), the hearing shall be open to the public and all persons interested in the outcome of the application shall be given an opportunity to present evidence and arguments.

B. The Planning Commission, or Township Board, as the case may be, may place reasonable and equitable limitations on the presentation of evidence and arguments.

C. The public hearing may be continued until a subsequent meeting and may keep the public presentation portion of the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published when the subsequent hearing date is set during the open session of the hearing and there is continued compliance with the Open Meetings Act (Public Act 267 of 1976, as amended).

Section 14.14 Recording Secretary The Township Board may employ a Recording Secretary for the Planning Commission and Zoning Board of Appeals for the purposes of preparing a public record of minutes, resolutions, transactions, findings and determinations. The Recording Secretary may perform other duties related to conduct of the Planning Commission or Board of Appeals business as may be required from time to time by the officers of the Planning Commission or Board of Appeals, provided the Secretary of the respective Commission and Board is solely responsible for the accuracy of such duties and all documents prepared by the recording secretary shall be signed by the official secretary of the Planning Commission or official secretary of the Board of Appeals.

ARTICLE XV
ZONING BOARD OF APPEALS

Section 15.1 Creation and Membership

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

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

Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointment may be for less than 3 years to provide for staggered terms. Vacancies for unexpired terms shall be filled for the remainder of the term.

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

Section 15.2 Meetings

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

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

Section 15.3 Appeals

- A. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator or other body from which the appellant seeks relief.
- B. Except as provided in Section 15.4, the ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator or other body from which the appellant seeks relief, and shall hear and decide appeals wherein it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or body in administering or enforcing any provisions of this Ordinance. The ZBA may also interpret the location of zoning district boundaries, may interpret the provisions of this Ordinance and have the authority to classify in which district an unclassified property use should be located based on similarities and dissimilarities with other listed property uses, and following the procedures contained in this Section.
- C. An appeal may be made by any person, firm or corporation, or by any Officer,

Department or Board of the Township. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.

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

Section 15.4 Limitations on Authority

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

Section 15.5 Stay

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

Section 15.6 Dimensional Variances

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

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

Section 15.7 Conditions for a Dimensional Variance

The ZBA may attach reasonable conditions with the approval of a dimensional variance. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy. To insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power, and purposes which are

affected by the proposed use or activity.

- C. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Section 15.8 Zoning Board of Appeals Approval

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

Section 15.9 Exercising Powers

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

Section 15.10 Notice of Hearing

Following payment of the required fee and receipt of a written request concerning an appeal of an administrative decision, a request for an interpretation of the zoning ordinance or a request for a variance, the Zoning Board of Appeals shall hold a public hearing, after giving the following applicable notice:

- A. For an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person filing the appeal and to the Zoning Administrator or other administrative agency or official whose decision is being appealed no less than fifteen (15) days before the public hearing. If a specific parcel is involved in the appeal, then the notice shall also be sent by first class mail or personal delivery to all persons who own real property and the occupants of all structures within three hundred (300) feet of the boundary of the property in question.
- B. For a request seeking an interpretation of the zoning ordinance, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation no less than fifteen (15) days before the public hearing. If a specific parcel is involved in the appeal, then the notice shall also be sent by first class mail or personal delivery to all persons who own real property and the

occupants of all structures within three hundred (300) feet of the boundary of the property in question.

- C. For a variance request, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the variance no less than fifteen (15) days before the public hearing. In addition, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be sent by first class mail or personal delivery to all persons to whom real property in question and to the occupants of all structures within 300 feet of the boundary of the property in question.

Section 15.11 Miscellaneous

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

Section 15.12 Denial and Re-submittal

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

Sec. 15.13 Appeal of Decisions Made Under this Article.

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

**ARTICLE XVI
CERTIFICATION AND EFFECTIVE DATE**

Section 16.1 Repeal of prior Ordinance

The Lake Township Zoning Ordinance adopted on July 3, 2008 is hereby repealed as of the effective date of this Ordinance.

Section 16.2 Savings Clause

The repeal of the Lake Township Zoning Ordinance adopted July 3, 2008 shall not release any penalty or liability incurred under said Ordinance, and such Ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty or liability.

Section 16.3 Separability

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

Section 16.4 Effective Date

This Ordinance shall be effective eight (8) days after publication of notice of adoption in a paper of general circulation within the Township.

Dated: _____

William Robinson, Supervisor

I, Anna Grobe, Clerk of the Township of Lake, Benzie County, Michigan, hereby certify that the foregoing Ordinance was introduced and adopted at a session of the Lake Township Board of Trustees, convened in the Township of Lake on _____, a majority of member present, voting in the affirmative.

Anna Grobe, Clerk